

# HALIFAX CITY CHARTER

WITH THE

## ORDINANCES AND BY-LAWS

AND THE

## CITY HEALTH BOARD BY-LAWS

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F. H. BELL, K. C.      R. T. MACILREITH, K. C.  
REVISERS.

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HALIFAX, N. S.  
PRINTED BY THE COMMISSIONER OF PUBLIC WORKS AND MINES,  
KING'S PRINTER  
1914





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HALIFAX, N.S. - CHARTERS



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PROVINCE OF }  
NOVA SCOTIA }

JAMES D. MCGREGOR.

GEORGE THE FIFTH, *by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the [L. S.] British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.*

O. T. DANIELS,  
Attorney General.

To all to whom these Presents shall come, or whom the same may in any wise concern, Greeting:

## A PROCLAMATION

WHEREAS, in and by Chapter 67 of the Acts, passed by the Legislature of Nova Scotia in the session thereof held in the year A. D. 1913, and in the third and fourth years of His Majesty's reign, entitled "An Act respecting the Charter of the City of Halifax",— it is among other things in effect recited as follows:—

That Mr. F. H. Bell, K. C., and Mr. R. T. MacIlreith, K. C., the Commissioners appointed in pursuance of the authority of Chapter 77 of the Acts of 1912, to prepare certain amendments to the Halifax City Charter and Acts in amendment thereof, had prepared such amendments, and had also revised and consolidated the said charter and amendments thereto, and had embodied such amendments, revision, and consolidation in an Act which had been printed, but the sections whereof had not then been numbered, nor had the same been then reduced to the form of a book but was contained in the printed roll, which printed roll was by the Governor-in-Council brought into force by a Proclamation or Order-in-Council dated the 1st day of April, 1913, and that it is expedient to provide for

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the incorporation therein of certain statutes relating to the City passed during the said session of the Legislature of Nova Scotia, and for giving the force of law to the body of such enactments when so further consolidated.

And whereas, it is among other things in effect enacted in and by said Chapter 67 that the Governor-in-Council may select such Acts and parts of Acts passed during the said session of the Legislature of Nova Scotia, as he deems it advisable to incorporate with the enactments contained in the said printed roll of the Commissioners, and may cause them to be incorporated therewith, adapting their form and language to those of the said enactments but without changing their effect, inserting them in their proper place in the said enactments, striking out of the latter any provisions repealed by or inconsistent with those so incorporated.

That the Commissioners shall prepare a schedule showing the statutes and provisions which are embodied in the said revision and consolidation, and the extent to which such statutes and provisions are from the time of the coming into force of such revision and consolidation to be repealed.

And whereas, such Acts and parts of Acts as aforesaid have been so selected and have been incorporated with said enactments, and such amendments have been made therein, and the Commissioners have prepared such Schedule, and the whole has been printed in book form and the sections thereof numbered.

And whereas, the Commissioners have made such alterations in their language in the said enactments as are requisite to preserve a uniform mode of expression, and have made such minor amendments as are necessary to bring out more clearly what they deem to be the intention of the Legislature and to reconcile seemingly inconsistent enactments, and to correct clerical errors, by inserting provisions now in force which have been omitted from such enactments, and to omit provisions therefrom which are not now in force, and generally to correct any error or omission therein.

And whereas, the Commissioners have also revised and consolidated the ordinances of the City of Halifax and the by-laws of the City Health Board, making such changes



therein as were necessary to make the same conform to the language and meaning of the said enactments, and the same having been so revised and consolidated have been printed together with the said enactments, and are ready for publication in book form;

And whereas, a correct printed copy of said book attested under the signature of Our Lieutenant-Governor, and countersigned by Our Provincial Secretary, has been deposited in the office of Our Provincial Secretary;

And whereas, the provisions of the first seven Sections of said Chapter 67 have been duly complied with;

And whereas, in and by section 8 of said Chapter 67, it is in effect enacted that Our Governor-in-Council, after the deposit as aforesaid of the said book, may by Proclamation, declare the day on from and after which the same shall come into force and have effect as law.

NOW KNOW YE, that we by and with the advice of Our Executive Council for Nova Scotia, do proclaim and declare that the said book deposited as aforesaid shall come into force and have effect as law on from and after the twenty-eighth day of January, in the year of Our Lord one thousand nine hundred and fourteen, of which all persons are to take notice and govern themselves accordingly.

In testimony whereof we have caused these  
Our Letters to be made patent and the  
Great Seal of Nova Scotia to be hereunto  
affixed.


*Witness* The HONOURABLE JAMES DRUM-  
MOND MCGREGOR, Lieutenant-Governor  
of Nova Scotia.

At Our Government House, in Our City of  
Halifax, this twenty-sixth day of January,  
in the year of Our Lord one thousand nine  
hundred and fourteen, and in the fourth  
year of Our Reign.

By command,

G. H. MURRAY,

*Provincial Secretary.*



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# SCHEDULE A.

TABLE OF ACTS AND PARTS OF ACTS RELATING TO THE CITY OF HALIFAX,  
REPEALED FROM THE DAY ON WHICH THE REVISED HALIFAX  
CITY CHARTER (1914) CAME INTO FORCE.

YEAR AND CHAPTER OF ACT.	EXTENT OF REPEAL.
1907, The City Charter of that year brought into force by proclamation of the Governor-in-Council, dated 20th February, 1907.	The whole
1907, Chapter 67 .....	The whole, except sec. 13
1907, Chapter 69 .....	The whole, except secs. 33, 34, 36, 37, 38, 39, 43, 49
1907, Chapter 72 .....	The whole
1907, Chapter 73 .....	The whole
1908, Chapter 75 .....	The whole, except the clause on page 205-206 authorizing the borrowing of money
1909, Chapter 84 .....	The whole, except sec. 7
1910, Chapter 47 .....	The whole, except secs. 4, 6, 11,
1911, Chapter 38 .....	The whole, except secs. 7, 9.
1912, Chapter 77 .....	The whole
1912, Chapter 82 .....	The whole, except secs. 2, 3, 8, 9,
1913, Chapter 68 .....	The whole,
1913, Chapter 69 .....	The whole, except sec. 2(2), 3(3), 4(3), 5(3), 6(2), 7(2) 8(2), 9, 11, 12, 16, 19, 21, 22, and the Schedules.
1913, The revised City Charter, brought into force by proclamation, dated April 1st, 1913.	The whole,





# An Act to Consolidate and Amend the Acts relating to the City of Halifax.

NOTE—The abbreviation C. C., or B. C. at the end of a section are respectively references to the City Charter of 1907, or the Board of Control Act, chapter 77, Acts of 1912.

Be it enacted by the Governor, Council, and Assembly, as follows :

## SHORT TITLE.

1. This Act may be cited as the "Halifax City Charter." Short Title.

## INTERPRETATION.

2. In this Act, or in any act, ordinance, or by-law affecting the City of Halifax, unless the context otherwise requires, the following expressions shall be construed in the manner in this section mentioned :— Interpretation.

"Chairman," used in respect to the City Council, includes the Mayor, Deputy Mayor, or member presiding.

"City," means the City of Halifax, incorporated by this Act.

"Chief of Police," includes the Deputy Chief of Police when acting in the place of the former, under the provisions of this Act.

"City Clerk," or "Clerk," used in respect to the City Clerk, includes the Assistant City Clerk, who shall be deemed the deputy of the former.

"City Solicitor," or "Solicitor," includes the person acting for the City Solicitor, under the provisions of this Act.

"Company," includes corporation.

"Constable," or "City Constable," includes Policeman.

"Council," or "City Council," means the Council of the City of Halifax, composed of the Mayor, who is deemed to be a member thereof, the Controllers, and the Aldermen of the City of Halifax.

"County Court," means the County Court for the County of Halifax.

"Legislature," means the Legislature of the Province of Nova Scotia.

"Mayor," includes Deputy Mayor, when acting as Mayor under the provisions of this Act.

"Owner," when used in relation to any property within the City, includes an agent having the care or control of any such property of an absent owner.

"Person," includes company or body corporate.

"Police Court," means the Court of the Stipendiary Magistrate for the City of Halifax, other than the City Court.

"Province," means the Province of Nova Scotia.

"Stipendiary Magistrate," includes the Deputy Stipendiary Magistrate when acting under the provisions of this Act.

"Street," includes every street, highway, road, lane, footway, court, alley, square, passage, or bridge, used by the public, and every part thereof.

"Supreme Court," means the Supreme Court of Nova Scotia.

"Water Rates," includes the price charged for the use of water, as well as charges for fire protection and water supply and meter rates, and rents for meters.

Officials—  
how design-  
ated.

3. The mention of any official, such as "Engineer," "Collector," "Solicitor" or the like, shall be taken and understood to mean the official so mentioned of the City without the addition of the word "City" before the same.

## PART I.

### THE CORPORATION.

The  
Corporation.

4. The inhabitants and ratepayers of the City and Peninsula of Halifax, comprised within the limits of the six wards defined in this part, are constituted a body politic and corporate, by the name of the City of Halifax. C. C., s. 3.

Its powers.

5. They shall, as a corporation, have perpetual succession, and shall be capable of suing and being sued in all courts of justice, and of acquiring, holding and conveying any description of property, real, personal or mixed. C. C., s. 4.

Seal.

6. (1.) They shall have a corporate seal changeable at pleasure.

(2.) The corporate seal shall be affixed to every agreement, contract, deed and document to which the City is a party, or which in order to bind the corporation requires to be authenticated by a seal.

(3.) The mayor shall affix the corporate seal to any such agreement, contract, deed or document, which shall also be signed by the mayor and clerk, except where in this Act is other-

wise provided, and without such authentication no such document shall have any force or effect. C. C., s. 5.

7. The City shall be divided into six wards, the boundaries of which are as follows: Wards—  
Boundaries.

*Number One.* Commences on the harbor of Halifax at a point reached by the centre line of Morris Street extended into the harbor; thence westerly by the centre line of Morris Street to Seymour Street; thence southerly by the centre line of Seymour Street to South Street; thence westerly by the centre line of South Street to the North West Arm; thence by the shore south-westerly, eastwardly and northwardly to the place of beginning.

*Number Two.* Commences on the harbor at a point reached by the centre line of Prince Street extended into the harbor; thence westerly by the centre line of Prince Street to the Citadel, and through the Citadel to the centre line of Jubilee Road, and by the centre line of said road to the North West Arm; thence south by the shore of the Arm to the northern boundary line of Ward Number One; thence easterly by the northern boundary line of said Ward One to the harbor of Halifax; thence northerly by the shore of the harbor to the place of beginning.

*Number Three.* Commences on the harbor at a point reached by the centre line of Jacob Street extended into the harbor; thence westerly by the centre line of Jacob Street to Brunswick Street; thence northerly by the centre line of Brunswick Street to Cogswell Street; thence westerly by the centre line of Cogswell Street to the road over the Common and Quinpool Road to the North-West Arm on the north shore of the land known as Horseshoe Island; thence south by the shore of the Arm to the northern boundary of Ward Number Two; thence easterly by said northern boundary to the harbor of Halifax; thence northerly by the shore of the harbor to the place of beginning.

*Number Four.* Commences on the harbor of Halifax at a point reached by the centre line of Cornwallis Street extended into the harbor; thence westerly by the centre line of Cornwallis Street to North Park Street; thence northerly by the centre line of North Park Street to Cunard Street; thence westerly by the centre line of Cunard Street to Windsor Street; thence northerly by the centre line of Windsor Street to Chebucto Road; thence westerly by the centre line of Chebucto Road to the shores of the North-West Arm, on the south side of the North-West Arm Bridge; thence southerly by the shore of the Arm to the northern boundary of Ward Number Three; thence easterly by the northern boundary of the said ward to

#### 4 THE COUNCIL, BOARD OF CONTROL, AND OTHER BOARDS

the harbor of Halifax; thence northerly by the shore of the harbor to the place of beginning.

*Number Five.* Commences on the harbor at a point reached by the centre line of North Street extended into the harbor; thence westerly by the centre line of North Street until it strikes the Chebucto Road at the junction of said road and North Street; thence easterly by the northern boundary of Ward Number Four to the harbor; thence northerly by the shore of the harbor to the place of beginning.

*Number Six.* Commences at the starting point aforesaid for the boundary of Ward Number Five; thence westerly by the northern boundary of said Ward to Chebucto Road aforesaid, and by the centre line of said road to the North-West Arm Bridge; thence northerly and easterly by the centre line of the Dutch Village Road to the shore of Bedford Basin at the intersection of a line drawn at right angles to the road along the Bedford Basin known as the Windsor Road from its junction with the Dutch Village Road and extended into Bedford Basin at Three Mile House; thence southerly by the shore of the Basin and harbor of Halifax to the place of beginning.

(2.) All docks, quays, wharves, slips and structures connected with the shores of any ward shall be deemed to be included in and shall form part of such ward. C. C., s. 6.

Council may  
alter wards.

8. The Council may from time to time alter the limits of any of the wards of the City by an ordinance. No such change shall be made until five years have elapsed from the last preceding change. C. C., s. 7.

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## PART II.

### THE COUNCIL, BOARD OF CONTROL AND OTHER BOARDS, COMMITTEES AND OFFICERS.

MAYOR, DEPUTY MAYOR, CONTROLLERS AND ALDERMEN.

City Council.

9. A mayor and four controllers representing the City at large, and twelve aldermen, two aldermen representing each ward, shall constitute the City Council. B. C., s. 2.

The Mayor.

10. (1.) The mayor shall be elected annually on the ordinary day of election, and shall be paid a salary of two thousand dollars per annum.

(2.) He shall hold office until his successor is elected and takes the oath of office. C. C., s. 9.



**11.** (1.) At the meeting of the Council after the ordinary civic elections in each year, at which the civic officers are appointed, the Council shall appoint one of its members to be deputy-mayor. <sup>Deputy Mayor.</sup>

(2.) If the mayor—

(a) is dead or unable to act by reason of illness, or

(b) is absent from the City, or

(c) requests the deputy-mayor to act in his behalf, the deputy-mayor shall act as mayor, and have all the powers and perform all the duties of the mayor. C. C., s. 10.

**12.** (1.) The ordinary term of office for a controller shall be two years. <sup>Controllers.</sup>

(2.) On the ordinary day of election in the year 1913, and in each alternate year thereafter, four controllers shall be elected by the voters of the whole City.

(3.) Each controller shall devote to the full and proper discharge of his duties, as specified by this Act, all the time necessary for that purpose, and shall be paid as compensation therefor the sum of one thousand dollars yearly, which sum shall include the compensation for his services as a revisor of juries lists, member of the City Health Board, and any other duty or service imposed on him by this Act, except as a member of the Board of School Commissioners, if appointed to that Board.

(4.) A controller shall hold office until his successor is elected and sworn into office. B. C., s. 3.

**13.** (1.) The ordinary term of office for an alderman shall be two years. <sup>Aldermen.</sup>

(2.) On the ordinary day of election in the year 1913 and in each alternate year thereafter, two aldermen for each ward shall be elected.

(3.) An alderman shall hold office until his successor is elected and sworn into office. B. C., s. 4.

**14.** In case of a casual vacancy caused by the death, retirement, resignation or removal of a mayor, controller or alderman before his term of office has expired, the person elected to fill such vacancy shall hold office for the unexpired term of the mayor, controller or alderman whose place he was elected to fill, or until his successor is elected and sworn into office. B. C., s. 5. <sup>Casual vacancies.</sup>

**15.** (1.) The mayor and aldermen in office at the time of the coming into force of this Act shall hold office until the <sup>Continuation in office of existing incumbents.</sup>

## 6 QUALIFICATION OF MAYOR, CONTROLLERS AND ALDERMEN

30th day of April, 1913, or until their successors have been elected and sworn into office, as provided in this Act, when they shall retire from office.

(2.) The persons so holding the offices of mayor and aldermen shall be eligible for election to office under the provisions of this Act. B. C., s. 6.

### QUALIFICATION OF MAYOR, CONTROLLERS AND ALDERMEN.

Qualifications  
of Mayor,  
controllers  
and alder-  
men.

**16.** No person shall be qualified to be elected, or to be, a mayor, controller or alderman unless he—

- (a) is a natural born or naturalized male subject of His Majesty, of the full age of twenty-one years, and has resided in the City for at least one year immediately preceding nomination; and
- (b) has never been sentenced to death or to imprisonment in a penitentiary; and
- (c) is not indebted to the City in any sum for city taxes or water rates, either individually or as a member of any firm or co-partnership; and
- (d) is duly qualified to vote at an election of mayor, controller or alderman. B. C., s. 15.

Additional  
qualifications  
for mayor.

**17.** No person shall be qualified to be elected, or to be, a mayor unless in addition to the qualifications mentioned in the immediately preceding section he has one of the following qualifications, that is to say:—

- (a) was at the time of the general assessment next before such nomination, and still is, the owner in his own name and right, and for his own use and benefit, over and above all encumbrances thereon, and all of his just debts and liabilities, of real property within the City of the assessed value of one thousand dollars, or of real and personal property in possession in the City of the assessed value of fifteen hundred dollars; or
- (b) was at the time of his nomination, and still is, worth the sum of three thousand dollars, over and above all his just debts and liabilities.

Authentica-  
tion of qualifi-  
cations of  
mayor.

**18.** (1.) Every candidate for mayor shall, at the time of filing his nomination paper with the clerk, produce and file therewith—

- (a) if he qualifies in respect to his assessed property, a certificate from the chief assessor, or acting chief assessor, certifying the amount he was assessed for at

the general assessment next before his nomination in respect to real or personal property, as the case may be; or

- (b) if he qualifies otherwise than in respect to assessed property, an affidavit that he is worth the sum of three thousand dollars, over and above the amount of his just debts and liabilities, and in either case,
- (c) a certificate from the collector to the effect that he is not indebted to the City in any sum for taxes or water rates either individually or as a member of any firm or co-partnership, and
- (d) an affidavit that he is duly qualified by law for the office of mayor.

(2.) The affidavit shall be made and subscribed by him before the stipendiary magistrate or a justice of the peace in the presence of the clerk.

(3.) The person administering the oath shall certify upon such affidavit that it was taken in his presence and the date thereof.

(4.) The affidavit shall be in the following form or to the like effect:

## AFFIDAVIT OF QUALIFICATION.

- (1) I, A. B., do swear that I am duly qualified as required by law for the office of mayor, that I am a natural born (or naturalized) subject of His Majesty, of the full age of twenty-one years, and have resided in the City of Halifax for at least one year before my nomination.
- (2) That I have never been sentenced to death or to imprisonment in a penitentiary.
- (3) That I am not indebted to the City of Halifax in any sum for city taxes or water rates, either individually or as a member of any firm or co-partnership.
- (4) That I was at the general assessment next before my nomination, and still am, the owner in my own name and right, and for my own use and benefit, over and above all encumbrances thereon and all of my just debts and liabilities, of real property within the City of Halifax of the assessed value of one thousand dollars, (or of real and personal property in possession within the City of Halifax of the assessed value of fifteen hundred dollars); (or if he qualifies other than in respect to assessed property) (4) that I am worth the sum of three thousand dollars over and above the amount of my just debts and liabilities.

So help me God.

Sworn to at Halifax, in the County of Halifax, .....  
day of ....., 19...., before me,

C. D.,  
Stipendiary Magistrate for the  
City of Halifax.

Witness: E. F.,  
City Clerk."

C. C., s. 16.

Authentica-  
tion of qualifi-  
cations of  
controllers  
and alder-  
men.

19. (1.) Every candidate for controller or alderman shall at the time of filing his nomination paper with the clerk produce and file therewith :—

(a) a certificate from the collector to the effect that he is not indebted to the City in any sum for taxes or water rates either individually or as a member of any firm or co-partnership, and

(b) an affidavit that he is duly qualified by law for the office of controller or alderman.

(2.) The affidavit shall be made and subscribed by him before the stipendiary magistrate or a justice of the peace in the presence of the clerk.

(3.) The person administering the oath shall certify upon such affidavit that it was taken in his presence and the date thereof.

(4.) The affidavit shall be in the following form or to the like effect :

#### AFFIDAVIT OF QUALIFICATION.

- (1) I, A. B., do swear that I am duly qualified as required by law for the office of ..... that I am a natural born (or naturalized) subject of His Majesty, of the full age of twenty-one years, and have resided in the City of Halifax for at least one year before my nomination.
- (2) That I have never been sentenced to death or to imprisonment in a penitentiary.
- (3) That I am not indebted to the City of Halifax in any sum for city taxes or water rates, either individually or as a member of any firm or co-partnership.
- (4) That I am a person duly qualified to vote at an election of mayor, controller or alderman.

So help me God.

Sworn to at Halifax, in the County of Halifax, .....  
day of ....., 19...., before me,

C. D.,

Stipendiary Magistrate for the  
City of Halifax.

Witness: E. F.,  
City Clerk."

B. C., s. 9.

#### OATHS OF OFFICE.

Oaths of  
office.

20. (1.) The mayor, controllers and aldermen shall, before entering upon the duties of their offices, respectively be sworn by taking and subscribing the oath of allegiance and oath of office.

(2.) The oath of office shall be in the words following :

"I, A. B., make oath and say that I will duly and faithfully fulfil the "duties of Mayor (or Controller or Alderman), while I hold such office, "according to the best of my judgment and ability. So help me God."



(3.) The oaths shall be administered to the mayor elect by the Governor or Administrator of the Government, or, in his absence, by the chief justice, or one of the judges of the supreme court, in the presence of three aldermen; the controllers and aldermen shall be sworn by the mayor.

(4.) A certificate of such oaths having been taken, shall be entered by the clerk in the minutes of Council. C. C., s. 17; 1898, c. 65, s. 26; 1900, c. 51, s. 12 (part).

## DISQUALIFICATION.

**21.** Every person shall be disqualified for being elected, or for being, a mayor, controller or alderman, who— Disqualifica-  
tion from  
being elected.

- (a) is a person in holy orders, or minister or teacher of any religious congregation;
- (b) is a judge or clerk of a court;
- (c) is a ministerial law officer of the Crown;
- (d) is acting inspector or poll clerk at a city election;
- (e) accepts or holds office, commission or employment, permanent or temporary, in the service of the City to which any salary, fee, wages, allowance, emolument, or profit of any kind is attached,—provided that nothing in this paragraph shall render ineligible or incapacitate the mayor, or a controller, or a member of the board of school commissioners;
- (f) directly or indirectly, alone or with any other person, by himself or by the intervention of a trustee or third person, holds, enjoys, undertakes, or executes any contract, express or implied, or any service or work with or for the City, or with or for any of the boards, committees, or officials of the City, provided for by this Act, and in respect to which payment is to be made out of the funds or revenue of the City, directly or indirectly, or is concerned or interested in any such contract, service or work;
- (g) has a contract for the supply of goods, wares, merchandise or materials, or the rendering of services, to a contractor for work for which the City pays or is liable, directly or indirectly, to pay, or which is subject to the control or supervision of the Council or of an official of the City;
- (h) has an unsatisfied claim for goods, wares, merchandise, materials or services against the City, or any board, committee or official of the City, in respect to which payment is to be made out of the funds or revenue of the City, or is directly or indirectly interested in any such claim as a sub-contractor, employee or otherwise;

- (i) is a surety for a contractor with the City or with any board, committee or official of the City. C. C., s. 18.

Disqualifica-  
tion after  
election.

**22.** Any mayor, controller or alderman shall thereby vacate his office and render his election null and void who, while in office—

- (a) knowingly sells or furnishes, whether the transaction is single or continuous, any goods, wares, merchandise or materials to, or performs any service for, the City, or to or for any of the boards, committees, or officials of the City for which payment is to be made out of the funds or revenue of the City, directly or indirectly; or
- (b) being a professional man, receives, takes or enjoys any retaining fee, emolument or reward for any professional or other services rendered to the City or any board, committee or official, for which payment is to be made out of the funds of the City directly or indirectly, or is engaged in any such service for reward; or
- (c) becomes bankrupt or insolvent, or who compromises with or makes an assignment for the benefit of his creditors. C. C., s. 18.

Penalty for  
acting when  
disqualified.

**23.** If any person disqualified or declared incapable of being elected, or of being, a mayor, controller or alderman, by any of the preceding provisions of this Act, nevertheless sits or votes, or continues to sit or vote in the Board of Control or in the Council, he shall thereby forfeit the sum of fifty dollars for each and every day on which he so sits or votes, and such sum shall be recoverable from him by any person who sues for the same in any court of competent jurisdiction. C. C., s. 20.

Exceptions  
to disqualifi-  
cation.

**24.** Nothing contained in this Act shall apply or extend to render ineligible or disqualify as a member of the Board of Control or the Council—

- (a) any person on whom the completion of any contract or agreement, express or implied, devolves by reason of death, marriage, or assignment under any statute, until twelve months elapse after the same so devolves upon him; or
- (b) any contractor for the loan of money or securities for the payment of money to the City under the authority of an act of the legislature. C. C., s. 21.

**25.** No person shall be eligible to be appointed to any office of emolument in the gift of the City while holding the office of controller of the City or at any time during the term or period for which he was elected to serve as controller. 1913, c. 69, s. —.

Controllers ineligible to office of emolument.

## ELECTIONS.

*(1.)—Time and Place.*

**26.** (1.) The election for mayor shall take place on the last Wednesday in April in every year. C. C., s. 22.

Ordinary elections—dates. of.

(2.) The election for controllers and aldermen shall take place on the last Wednesday in April in each alternate year. B. C., s. 3 (2).

**27.** The clerk, unless and until the Council otherwise directs, shall determine the number and situation of the polling places in the wards for the accommodation of the voters. C. C., s. 23.

Polling places.

**28.** (1.) The Council shall appoint one of its members or a ratepayer to preside and to take the poll at each of such polling places.

Presiding officers.

(2.) If the presiding officer so appointed is ill or absent from the City, or unable or refuses to preside, the mayor shall appoint a substitute. C. C., s. 24.

**29.** At least ten days before the date fixed for any election, notice shall be given to the voters by the clerk of such date by publication of a notice to that effect, and stating the latest date for filing nominations of candidates, in at least three of the newspapers published in the City, and by posters in places to be seen by the public. C. C., s. 25.

Notice to voters to nominate.

*(2.)—Nominations.*

**30.** (1.) Every candidate for the office of mayor or controller shall be nominated in writing by at least ten ratepayers residing in the City and entitled to vote at the then next ensuing election for mayor or controller.

Nomination papers.

(2.) Every candidate for the office of alderman shall be nominated in writing by at least two ratepayers entitled to vote at the ensuing election in the ward for which such candidate offers to be elected. C. C., s. 26.

**31.** Every candidate for the office of mayor, controller or alderman shall, on the written nomination paper, sign his acceptance of the nomination, or shall annex thereto a certificate of such acceptance, and such nomination paper shall be

Acceptance by candidate and certificate of collector.

accompanied by the certificate of the collector to the effect that the nominators are, in the case of mayor or controllers, ratepayers of the City, and in the case of an alderman, ratepayers for the ward in which such election is to be held. C. C., s. 27 (part).

Filing of  
nomination  
papers.

**32.** Every such nomination paper, with the other papers required by this Part, shall be filed with the clerk at least seven clear days before the day appointed for holding the election, and before five o'clock in the afternoon of the last day for filing such papers, and the clerk shall, before receiving such papers, ascertain from the same that the requirements of the next preceding section have been complied with. C. C., s. 28.

Acclamations.

**33.** If—

- (a) only one candidate is nominated for mayor, or
- (b) only four candidates are nominated for the office of controller, or
- (c) only two candidates are nominated for the office of alderman in any ward,

such candidate or candidates respectively shall be deemed to be elected, and in a public manner shall be declared duly elected by the clerk at the meeting of the Council first held thereafter, without any poll being taken. C. C., s. 29.

Poll to be  
granted.

**34.** If—

- (a) more than one candidate is nominated for mayor, or
- (b) more than four candidates for the office of controller, or
- (c) more than two candidates for the office of alderman in any ward,

the clerk shall in every such case grant a poll for taking the votes of the voters. C. C., s. 30; B. C., s. 10.

*(3.)—Qualification of Voters.*

Qualification  
of voters.

**35.** Every natural born, or naturalized, subject of His Majesty (including unmarried women and widows), of the full age of twenty-one years, who has not been sentenced to death or imprisonment in a penitentiary, shall be qualified to vote at any election of mayor, controller or alderman—

- (a) if he has resided in the City for at least one year next preceding the polling day for such election; and
- (b) if, in the case of such election taking place between the first day of May and the first day of August in any year, he has been assessed for city rates for



the civic year which commenced on the first day of May in the year preceding such polling day, or in the case of such election taking place at any other time, then if he has been assessed as aforesaid for the civic year which commenced on the first day of May next preceding such polling day. C. C., s. 31.

**36.** (1.) Every person who is qualified to vote shall be entitled to vote for mayor, controllers or aldermen in any ward in which he has been assessed, but no person shall on the same day vote in more than one ward, or for more than one candidate for mayor, or more than four candidates for controllers, or more than two candidates for aldermen.

Right to vote  
—for whom  
and where.

**37.** Where property is assessed to a firm or co-partnership, each member of such firm or co-partnership at the time of such assessment shall be deemed to be assessed as a qualification for voting, and the names of all of the members shall be inserted in the list of voters by the collector upon satisfactory proof. This provision shall not apply to incorporated companies, or be deemed to qualify any member thereof to vote in respect to the property of the company, or entitle him to have his name inserted in such list. C. C., s. 33.

Firm—mem-  
bers of en-  
titled to vote.

**38.** Except in the case of members of a firm or co-partnership, no one shall be deemed to have a qualification in respect to property unless the property is assessed in his name. C. C., s. 34.

Otherwise no  
one entitled  
to vote unless  
assessed.

**39.** (1.) Any person, although his residence is out of the City, who has a shop, store or office in the City, and has carried on business therein on his own account either alone or as a recognized partner for three years previous to any election, shall be deemed to reside in the ward in which at that time he carries on such business, and being otherwise qualified, shall have the right to vote therein.

Non-resident  
doing busi-  
ness in city.

(2.) To constitute such residence it shall not be necessary that such person has occupied the same shop, store or office, or has carried on business in the same ward, during such period of three years. C. C., s. 35.

**40.** Every person shall have the right to be placed on the voters' lists to vote at any civic election in the ward in which he resides on the day of holding such election, who holds a certificate under the hand of any mayor of the City, and the seal of the City, to the effect that such person, on the first day of May, 1895, was an honorary member of the Union Engine Company, Axe Fire Company, or Union Protection Company,

Honorary  
member of  
fire company.

or was, on such date, an active member of either of the said companies and had served as such for the period of ten years next before the said date, and constituting and certifying such person to be an honorary member of one of such companies under the provisions of the act of the legislature, being Chapter 43 of the Acts of 1895, as amended by Chapter 27 of the Acts of 1896. C. C., s. 36.

Voters lists—  
preparation  
of.

41. (1.) On or before the fifteenth day of April in each year, the collector shall cause to be prepared for each ward a list, having the names in alphabetical order, of all the ratepayers for the ward, adding thereto all persons entitled to vote therein as honorary members of the Union Engine Company, Axe Fire Company, or Union Protection Company, as hereinbefore provided.

(2.) If the boundaries of any ward are changed after the assessment is made, he shall place the names of the ratepayers in the list for that ward in which they would have been entered if the change had taken place before the assessment

(3.) He shall publish a notice of such list in order that persons legally qualified to vote whose names have been omitted may have the same added to the list.

Correction  
and division.

(4.) He shall correct the list from the rate book and from such certificates, and when such list is finally settled he shall, unless and until the Council by resolution determines to divide it otherwise, divide such list according to the alphabetical order of the surnames of the voters into as many sections of the alphabet as there are polling places in the ward, making a separate section for each polling place, and shall furnish to the clerk a certified copy of each separate list for use by the presiding officer at such polling place. C. C., s. 37.

Corrected list  
conclusive.

42. (1.) The certified copy so furnished for each polling place shall constitute the voters' list for such polling place, and no person shall be allowed to vote at any such polling place unless the name of such person appears upon the said list.

Except as to  
persons  
improperly  
omitted.

(2.) Nothing in this section contained shall deprive any person whose name is not upon the said voters' list of the right to vote if he is otherwise entitled to vote at such polling place, and produces to the said presiding officer a certificate signed by the collector, that he is so entitled by reference to the rate book or to any certificate of membership in one of such companies, and that his name was omitted from the said voters' list by mistake or inadvertence. C. C., s. 38.

(4.)—*Proceedings Preliminary to an Election.*

Compartment  
in  
booths.

43. Where there is a poll to be taken the clerk shall furnish at each polling place a sufficient number of compart-

ments in which voters can mark their ballots, screened from observation. C. C., s. 39.

44. (1.) At least four days before the date on which any election is to take place, the clerk shall, in case of a contest, cause to be published in two or more newspapers published in the City, and shall cause to be posted up in at least three public places in different vicinities in the ward in which an election is to take place—

Notice of  
election,  
candidates,  
etc.

- (a) the names of the candidates whose nominations have been filed;
- (b) the date and the hours of opening and closing the polls; and
- (c) the location of each polling place, and, if the division of the list of voters in the ward has been made according to the alphabetical order of the first letter of their surnames, the sections of the alphabet including the first letters of the surnames of the persons entitled to vote at each polling place.

(2.) He shall, in the case of the election of a mayor, forthwith cause to be printed a number of ballot papers for the election of mayor, not less than the number of voters, who are entitled to vote in the City, and an equal number of ballot papers for the election of controllers in the case of an election for controllers, and a number of ballot papers for the election of aldermen in each ward in which there is to be a poll for aldermen, not less than the number of voters who are entitled to vote in such ward.

(3.) The ballot papers for mayor, for controllers and for aldermen shall each be of a different color.

(4.) Each ballot paper shall contain the names and descriptions of the candidates alphabetically arranged in the order of their surnames, or if there are two or more candidates with the same surname, then in the order of their other names.

(5.) The names shall be as set forth in the nomination papers with the descriptions given therein (if any).

(6.) The ballot papers shall be in the following form:

BALLOT PAPER.

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*Election for Mayor for the City of Halifax, 19 .*

---

BROWN.

I. WILLIAM J. BROWN, of the City of Halifax,  
Insurance Agent.

JONES.

II. ADAM B. JONES, of the City of Halifax,  
Commission Merchant.

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16 ELECTION OF MAYOR, CONTROLLERS AND ALDERMEN

BALLOT PAPER.

---

*Election for Controllers for the City of Halifax, 19 .*

---

ALLISON.

- I. HENRY ALLISON, of the City of Halifax,  
Physician.

CAMERON.

- II. WILLIAM CAMERON, of the City of Halifax,  
Printer.

JONES.

- III. THOMAS H. JONES, of the City of Halifax,  
Tailor.

MOWBRAY.

- IV. JAMES MOWBRAY, of the City of Halifax,  
Manufacturer.

NEWCOMBE.

- V. ROBERT NEWCOMBE, of the City of Halifax.  
Builder.

SEETON.

- VI. EDWARD SEETON, of the City of Halifax,  
Architect.

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BALLOT PAPER.

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*Election for Aldermen for Ward No. II, City of Halifax, 19 .*

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ROBERTSON.

- I. ROBERT A. ROBERTSON, of the City of Halifax,  
Merchant.

SMITH.

- II. JACOB A. SMITH, of the City of Halifax,  
Insurance Agent.

THOMSON.

- III. GEORGE THOMSON, of the City of Halifax.  
Electrical Engineer.

WILLIAMS.

- IV. PETER G. WILLIAMS, of the City of Halifax.  
Founder.

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C. C., s. 40 ; B. C., s. 10.

Ballots to be  
stamped.

45. The clerk shall stamp or seal all ballot papers to be used at any such election with the city seal. He shall not stamp or seal any ballot papers except those furnished to the presiding officers, and the existence of a ballot paper stamped or sealed by the clerk other than those furnished to the presiding officer shall be *prima facie* evidence of malfeasance of office in such clerk. C. C., s. 41.



46. The clerk shall furnish each presiding officer with—
- (a) The list of voters for the polling place at which he is to preside certified by the collector as provided in this Part. Voters list, ballot boxes and papers to be furnished presiding officers.
  - (b) One ballot box for the reception of ballot papers for mayor, one for the reception of ballot papers for controllers and one for the reception of ballot papers for aldermen.
  - (c) The ballot papers for mayor, for controllers and for aldermen which have been prepared for use at the polling place at which he is to preside, and also the necessary materials to enable the voters to mark the ballot papers.
  - (d) A poll book for mayor, controllers and aldermen. C. C., s. 42, B. C., s. 10.

47. The clerk shall keep a correct record of the number of ballot papers he furnishes to each presiding officer. Record of ballots to be kept. C. C., s. 43.

48. The materials for marking the ballot papers shall be kept in the polling place by the presiding officer for the convenient use of the voters. Materials for marking. C. C., s. 44.

(5.)—*Presiding Officers, Poll Clerks and Agents.*

49. The presiding officer shall, before or after the opening of the poll, and before receiving a vote, take the oath of office in the following form : Oath of presiding officer.

OATH OF PRESIDING OFFICER.

I, J. X., do swear that I have not received any sum of money, office, employment or gratuity, or any bond, bill or note, or any promise of gratuity, by myself or another to my use or advantage, for making any return at this election; that I will return to the city clerk a true and faithful account of the votes polled at the polling place wherein I preside, and that I will faithfully discharge my duty as such presiding officer to the best of my knowledge and judgment. So help me God. C. C., s. 45.

50. He shall appoint a poll clerk who shall before or at the opening of the poll, take the oath of office in the following form : Oath of poll clerk.

OATH OF POLL CLERK.

I, G. H., do swear that I will faithfully record the names of all voters who vote at this polling place, and that I will faithfully discharge my duty at this election to the best of my knowledge and judgment. So help me God. C. C., s. 46.

51. Every candidate may authorize in writing one agent to represent him at each polling place at which voting for him Agents.



is to take place, who shall be a duly qualified elector in the ward in which he acts, and who shall, on being admitted to such polling place, take an oath to keep secret the name of the candidate for whom any voter has marked his ballot paper. Such oath may be administered by the presiding officer, and shall be in the following form :

## OATH OF AGENT.

I, the undersigned, C. D., agent for E. F., a candidate at this election for (*Mayor or Controller for or Alderman for Ward* \_\_\_\_\_), City of Halifax, do swear that I will keep secret the names of the candidates for whom any of the voters at this polling place votes at this election. So help me God. C. C., s. 47.

Oath—how  
administered.

**52.** The stipendiary magistrate, the clerk, a justice of the peace, or in their absence any two electors, may administer the oaths to the presiding officer, the poll clerk or agents of candidates. C. C., s. 48.

(6.)—*The Poll.*

Poll—how  
opened.

**53.** (1.) Every presiding officer shall open the poll assigned to him at eight of the clock in the forenoon, and shall keep the same open until five of the clock in the afternoon, and shall during that time receive in the manner hereinafter prescribed the votes of all voters duly qualified to vote at such polling place.

(2.) He shall, at the hour fixed for opening the poll, show the ballot boxes to the candidates, or their agents, or to any such persons as are present within the polling place, so that they may see that the same are empty, and shall immediately thereupon lock the ballot boxes, place them in view for the reception of ballot papers, and keep them locked until the close of the poll.

(3.) He shall, at the opening of the poll, declare the names of the candidates. C. C., s. 49.

Presiding  
officer and  
poll clerk—  
votes of.

**54.** (1.) The presiding officer or poll clerk may vote at the polling place at which he is appointed to conduct the election if qualified to vote thereat, or may vote by proxy at any other polling place at which he is qualified to vote, but not in more than one such polling place.

(2.) The proxy shall be appointed in writing under the hand of the person making the appointment authorizing the person named therein to vote in the name of the person appointing, but the writing shall not specify for whom the proxy is to vote. C. C., s. 50.

**55.** Every voter shall, before voting, if so required by any candidate or agent, take an oath in the form following, which shall be administered orally by the presiding officer, and any voter refusing to take such oath shall not be permitted to vote :—

## OATH OF VOTER.

I, A. B., do solemnly swear that I have not voted this day in any other polling place of this City at this election, that I am a British subject and duly qualified and entitled to vote at this election, and that I have not received by myself, or another, or any person in trust for me, or to my use directly or indirectly, any sum of money, place, office or employment, or gift, or reward, or any promise or security for any money, office, employment or gift in order to give my vote at this election. So help me God. C. C., s. 51.

**56.** During the holding of the poll no person shall be entitled or permitted to be present in the polling place, other than the officers appointed to take the poll at such place, the candidates to be voted for in such polling place, and their agents duly authorized in writing (not exceeding one agent for each candidate), and any voter for the time being actually engaged in voting; provided that the presiding officer may have present, or summon to his aid, any constable or police officer for the purpose of maintaining order or preserving the public peace. C. C., s. 52.

**57.** (1.) Every presiding officer shall have power to preserve peace, order and decorum in the vicinity of the polling place, and may call on any person present to assist him in so doing.

(2.) He may commit any offender or any person refusing to assist him to prison for twenty-four hours and without a warrant in writing.

(3.) He may order the removal of any person from the polling place who is not entitled to be present, or who being so entitled obstructs the voting, and such order shall be executed by any constable or police officer without the same being in writing and without a warrant. C. C., s. 53.

**58.** Not more than one voter for each compartment shall at any one time enter the room where the poll is held.

**59.** When any person claiming to be entitled to vote presents himself at any polling place for the purpose of voting he shall state his name, residence and occupation or addition, and the presiding officer shall proceed as follows :—

(a) He shall ascertain that the name of such person is entered, or purports to be entered, upon the list of

voters for that polling place and shall mark such person's name thereon. If the name of the voter proposing to vote is not found on the list furnished to the presiding officer, he shall so inform such person, and the person so proposing to vote shall be permitted to leave the polling place if necessary for the purpose of procuring the certificate of the collector hereinbefore provided for, if he is entitled thereto, and to return for the purpose of voting, but in no other case shall a voter or person proposing to vote who leaves the polling place after presenting himself to vote be permitted to return.

- (b) The poll clerk shall enter, or cause to be entered, in the poll book the name of such person; but shall in no instance enter on the poll book, or elsewhere, the name or names, or anything to indicate the name or names, of the candidate or candidates for whom the voter votes.
- (c) If such person takes any oath or affirmation required to be taken by this Act, the presiding officer shall cause to be entered opposite such person's name in the poll book the word "sworn" or "affirmed," according to the fact.
- (d) When a voter is objected to by any candidate or his agent the poll clerk shall enter the objection in the poll book by writing opposite the name of the person whose vote is objected to the words "objected to," entering at the same time the name of the candidate by or on behalf of whom the objection is made.
- (e) When such person has been duly required to take any prescribed oath or affirmation, and refuses to take the same, the presiding officer shall cause to be entered opposite the name of such person in the poll book the words "refused to be sworn," or "refused to affirm," according to the fact, and the vote of such person shall not be taken or received; and if the presiding officer receives such vote, he shall be liable to a penalty of one hundred dollars.
- (f) When the name of the person so claiming to vote is found on the list of voters for the polling place and marked thereon, and when the proper entries respecting him have been made in the poll book in the manner prescribed, the presiding officer shall deliver to such person one ballot paper for mayor, one ballot paper for controllers and one ballot paper for aldermen, unless such person has refused to take any prescribed oath or affirmation, when no ballot paper shall be delivered to him.

- (g) The presiding officer may, and upon request of any voter shall, either personally or through his poll clerk, explain to the voter as concisely as possible the mode of voting; but neither the presiding officer nor his poll clerk shall influence, or attempt to influence, the voter to vote for any candidate at the election. C. C., s. 55.

**60.** No ballot paper shall be delivered to a voter by any presiding officer or counted by him unless it is duly stamped or sealed. C. C., s. 56. Unstamped ballot not to be used.

**61.** Upon receiving from the presiding officer the ballot paper or papers the voter shall forthwith proceed into one of the compartments of the polling place and shall then and therein forthwith mark his ballot paper or ballot papers by marking a cross with a pencil on any part of the ballot paper or ballot papers within the division containing the name of the candidate or candidates for whom he intends to vote, and shall fold the ballot paper or ballot papers, each separately if there is more than one, so as to conceal the names of the candidates and the mark upon the face of such ballot paper or ballot papers; and leaving the compartment shall, without delay, and without showing the front to any one, or so displaying the ballot paper or ballot papers as to make known the candidate or candidates for whom he voted, hand the same to the presiding officer, who shall deposit each ballot paper in the proper ballot box, and the voter shall then forthwith leave the polling place. C. C., s. 57. Marking ballot paper.

**62.** While any voter is in any compartment for the purpose of marking his ballot paper or ballot papers, no person shall be allowed to enter the compartment, or to be in any position from which he can observe for whom the voter marks his ballot paper or ballot papers. C. C., s. 58. Interference prohibited.

**63.** Every person having received a ballot paper or ballot papers from the presiding officer who leaves the polling place without first depositing the same in the ballot box or ballot boxes in the manner prescribed, shall thereby forfeit his right to vote at the election; and the poll clerk shall make an entry in the poll book, in the column for remarks, to the effect that such person received a ballot paper or ballot papers, but took the same out of the polling place, or returned the same, declining to vote, as the case may be; and in the latter case the presiding officer shall immediately write the word "declined" upon such ballot paper or ballot papers, and shall preserve it or them, and return it or them to the clerk. C. C., s. 59. Ballot not to be taken from booth.



Voter unable  
to mark  
ballot paper.

64. (1.) In case of an application by any voter claiming to be entitled to vote, who makes oath or affirmation that he is incapacitated by blindness or other physical cause from marking his ballot paper or ballot papers, or that he is unable to read, the proceedings shall be as follows:—

(a) The presiding officer shall, in the presence of the candidates, or their agents, if they choose to be present, cause the vote of such person to be marked on his ballot paper or ballot papers, in the screened compartment, in manner directed by such person, and shall cause such ballot paper or ballot papers to be placed in the ballot box or ballot boxes.

(b) The presiding officer shall cause to be stated by an entry opposite the name of such person in the poll book that the vote of such person is marked in pursuance of this section, and the reason why it is so marked.

(2.) Such oath or affirmation shall be made by the person claiming to be entitled to vote at the time of voting before the presiding officer.

(3.) The oath or affirmation shall be made orally in the form following:

OATH OF ILLITERATE VOTER.

I, Y. Z., a voter named in the list of voters for (Ward) ———— (or City of Halifax), do swear or affirm that I am unable to read, or that I am from physical incapacity unable to mark a ballot paper, (as the case may be.) So help me God. C. C., s. 60.

Person  
claiming to  
vote on name  
already voted  
on.

65. If a person representing himself to be a particular voter named on the list of voters applies for a ballot paper or ballot papers after another person has voted as such voter, the applicant shall, upon taking the oath prescribed by law to be administered to voters at the time of polling, be entitled to mark a ballot paper or ballot papers, but such ballot paper or ballot papers shall be given to the presiding officer, and shall be placed by him in an envelope or envelopes securely sealed, and upon the envelope or envelopes he shall indorse the words "tendered ballot paper," and the presiding officer shall deposit the envelope or envelopes containing such ballot paper or ballot papers in the proper ballot box or ballot boxes, and such ballot paper or ballot papers shall not be counted by the presiding officer, and the poll clerk shall enter such person's name in the poll book, and shall make an entry opposite such name, showing the circumstances of the case. C. C., s. 61.

Spoiling  
ballot paper.

66. Any voter who has inadvertently dealt with the ballot paper given him in such manner that it cannot be conveniently

used as a ballot paper, may, on delivering to the presiding officer the ballot paper so inadvertently dealt with, obtain another ballot paper, and the presiding officer shall write the word "cancelled" upon the ballot paper so delivered to him and preserve it and return it to the clerk. C. C., s. 62.

(7.)—*Counting the Ballot Papers.*

**67.** (1.) Immediately after the close of the poll the presiding officer, with the assistance of the poll clerk, and in the presence of the candidates and their agents, or such of them as are then present, shall open the ballot box or ballot boxes and examine the ballot papers and proceed to count the votes. Duties at close of poll.

(2.) Any ballot paper—

- (a) not stamped with the seal of the City, or
- (b) on which votes are given to more candidates than are to be elected, or
- (c) on which anything is written or marked, appearing to have been designedly put thereupon for the purpose of enabling the same to be identified as the ballot paper of a particular voter, or
- (d) which is unmarked, or
- (e) from which it is uncertain for which candidate the voter votes,

shall be void and shall not be counted.

(3.) The presiding officer shall indorse "rejected" on every ballot paper which he rejects as void.

(4.) The presiding officer shall count the votes given for each candidate upon the ballot papers not rejected. C. C., s. 63.

**68.** No ballot paper shall be rejected simply because the same has been inadvertently placed in the wrong ballot box, but shall be counted in the group to which it properly belongs. Ballot paper in wrong box, not to be rejected. C. C., s. 64.

**69.** After the votes are counted, the poll clerk shall make up and enter in the poll book a written statement containing the following particulars:— Written statement as to ballots.

- (a) Number of votes for each candidate;
- (b) Number of ballot papers rejected as voting for more candidates than are to be elected;
- (c) Number of ballot papers rejected for having a writing or mark by which the voter could be identified;
- (d) Number of ballot papers rejected as unmarked;

- (e) Number of ballot papers rejected as void for uncertainty ;
- (f) Number of tendered ballot papers deposited ;
- (g) Number of spoiled ballot papers ;
- (h) Number of ballot papers, if any, taken from the polling place ;
- (i) Number of unused ballot papers. C. C., s. 65.

Ballots to be  
returned to  
box.

**70.** The presiding officer shall return all the ballot papers, both used and unused, at his polling place, to the proper ballot box, with a written statement signed by him containing all the particulars mentioned in the next preceding section, and shall cause the ballot boxes to be locked and sealed up, and shall deliver the same with the contents and the keys to the clerk, to whom he shall also deliver the poll book. C. C., s. 66.

Boxes to re-  
main locked  
for 21 days.

**71.** The ballot boxes, unless it is otherwise ordered by the court or a judge, or unless a recount is demanded, shall remain locked and sealed as handed to the clerk for the period of twenty-one days after the polling day, and from thence until the termination of any legal proceedings instituted to test the validity of the election. C. C., s. 67.

(8.)—*Declaration.*

Declaration  
at close of  
poll.

**72.** The presiding officer at each polling place at the close of the poll shall publicly announce the number of votes given for each candidate for the office of mayor, controller or alderman, and forthwith make returns thereof to the clerk. C. C., s. 68.

Declaration  
of results by  
clerk.

**73.** At the meeting of the Council held next after polling day, the clerk, in the case of mayor, of controllers and of aldermen, having added together the number of votes given for each candidate from the statements in the poll books returned by the presiding officers, shall, in the presence of the Council, declare—

- (a) the candidate for mayor having the greatest number of votes to be mayor of the City for the ensuing year ;
- (b) the four candidates for the office of controller having respectively the greatest number of votes, to be controllers of the City for the next ensuing two years ;
- (c) the two candidates for the office of aldermen in each ward having respectively the greatest number of votes to be the aldermen for that ward for the next ensuing two years. C. C., s. 69.

(9.)—*Proceedings in Case of a Tie.*

**74.** (1.) In the event of an equality of votes between Tie. two or more candidates for the office of mayor, the retiring mayor shall give a casting vote in favor of one of such candidates. If the retiring mayor is one of such candidates, the Council shall by vote decide which of such candidates shall be mayor, and in the event of a tie the casting vote shall be given by the clerk.

(2.) If an equality of votes is found to exist between any two or more of the candidates for controller, or between any two or more of the candidates for alderman, and the addition of a vote would entitle any one of such candidates to be elected, the clerk shall give such additional or casting vote in favor of one of them.

(3.) Any such casting vote shall be valid whether the person giving it is otherwise qualified or not, or has voted or not, and may be given verbally. C. C., ss. 70, 71.

(10.)—*Recount.*

**75.** If within three days after the day of polling any can- Recount. didate, by himself or his agent, requests the judge of the county court for a recount of the votes at the election, the judge shall appoint a place and time within three days after such request to recount the votes. C. C., s. 72.

**76.** The judge shall notify every candidate at such election of such request and of the time and place appointed to recount the votes. C. C., s. 73. Notice of recount.

**77.** The judge may summon the clerk, the presiding officers, and poll clerks at such election to attend at such place at the time appointed, and may command any of them to bring with him any papers in his custody or possession relating to such election. C. C., s. 74. Officials to attend if required.

**78.** The following persons shall be present at such recount:— Persons present at recount.

- (a) the judge and any person he appoints to assist him, and
- (b) each candidate, and his agent appointed to attend such recount, or if any candidate does not attend, an agent of such candidate, or
- (c) if the candidates and their agents do not attend, then at least three voters of the City or ward in which the election was held. C. C., s. 75.



Judge to  
make recount.

**79.** At the time appointed, and at such place, and in the presence of such persons, the judge shall proceed to recount the votes in each ballot box at such election, and in so doing shall decide upon the validity of every ballot paper. C. C., s. 76.

And declare  
result.

**80.** (1.) The judge, as soon as he ascertains the result of the poll, shall declare to be elected the candidate having the highest number of votes. In the event of a tie, the casting vote shall be given, or the result of an election determined, in case of a mayor, in the same manner as provided in this Part where the polling results in a tie, and in the case of a controller or an alderman, by the judge.

(2.) He shall forthwith report the result to the clerk for submission to the Council. C. C., s. 77.

*(11.)—Publication of Returns.*

Publication  
of returns.

**81.** The result of every election of mayor, controllers or aldermen shall be published by the clerk in the first issue of the *Royal Gazette* next after the taking of the oath of office by such mayor or any such controller or alderman. C. C., s. 78.

*(12.)—Offences.*

Penalties on  
officials and  
agents.

**82.** Every presiding officer, poll clerk, candidate, or agent of a candidate, present within the place in which a poll is being taken, who, except as in this Act is otherwise provided,—

- (a) gives to any voter a ballot paper, or
- (b) offers or gives a voter any advice as to the person for whom he should vote, or
- (c) otherwise interferes with a voter in the exercise of his franchise, or
- (d) divulges to any person the name of the candidate for whom any voter has voted,

shall, for every such offence, be liable to a penalty not exceeding twenty dollars, and in default of payment, to imprisonment for a period not exceeding thirty days. C. C., s. 79.

Penalties on  
voters.

**83.** (1.) Every person who—

- (a) fraudulently offers or tenders a forged certificate, or a certificate other than his own, to the presiding officer, for the purpose of being permitted to vote, or
- (b) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorized by law to put in, or
- (c) fraudulently takes out of the polling place any ballot paper, or

(d) without due authority, destroys, takes, opens, or otherwise interferes with any ballot box or ballot paper then in use for the purposes of the election, or

(e) fraudulently tenders more than one ballot paper when voting,

shall for every offence be liable to a penalty not exceeding fifty dollars, and in default of payment, to imprisonment for a period not exceeding six months.

(2.) No such penalty or imprisonment, nor the conviction for any such offence, shall operate as a bar to any other penalty, prosecution or criminal proceeding whatever to which such person so offending would otherwise be liable.

(3.) Any attempt to commit any offence specified in this section shall be punishable in the manner in which the offence itself is punishable. C. C., s. 80.

**84.** (1.) The provisions of Chapter seventy-two of the Revised Statutes, 1900, "Of controverted elections for municipalities and towns, and of corrupt practices at such elections" shall apply to the City of Halifax and to the election of mayor, controller or alderman, in the City of Halifax, subject as follows:—

- (a) For the purpose of such application the expression "town" includes the City of Halifax.
- (b) The expression "election" includes an election to the office of mayor, controller or alderman for the City of Halifax.
- (c) The expression "Town Council," "Council of the Town," or "Council," includes the City Council of Halifax.
- (d) The expression "The Court" means the County Court for District Number One, and the expression "Judge" means the judge of such court.
- (e) The expression "Mayor of an incorporated Town," or "Mayor," includes the Mayor of the City of Halifax, and "Town Councillor," or "Councillor" includes a Controller or an Alderman of the City of Halifax.
- (f) The expression "Clerk of the Municipality, or of the Town," or "Clerk," includes the City Clerk.
- (g) The expression "Presiding Officer" means a presiding officer at a polling place for the election of mayor, controller or alderman.

(2.) If an election is set aside, or the seat declared vacant, by the judge or court of appeal, upon the receipt of the certificate and report to that effect, proceedings shall be tak

Elections—  
how con-  
tested.

New election.

under this Act for a new election to fill the vacancy as if the seat was vacant.

Corrupt  
practices to  
forfeit seat.

(3.) Any candidate elected at an election for mayor, controller or alderman who is found by the judge to have committed any corrupt practice (other than treating) either personally, or by an agent with or without his authority, knowledge or sanction, shall forfeit his seat.

Non-compli-  
ance excep-  
tions.

(4.) No election shall be declared invalid by reason of a non-compliance with the provisions of this Part as to the taking of the poll or the counting of the votes, or by reason of any want of qualification in the persons signing a nomination paper under the provisions of this Part, or of any mistake in the use of the forms prescribed, or by reason of any irregularity, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Part, and that such non-compliance, mistake or irregularity did not affect the result of the election.

(5.) In case of corrupt practices having been committed by agents, if the candidate proves to the judge—

(a) that no corrupt practice was committed at such election by the candidate or with his knowledge or consent, and that such corrupt practices committed by such agents were committed without the sanction or connivance of such candidate, and

(b) that all reasonable means for preventing the commission of corrupt practices at such election were taken by the candidate, and

(c) that such corrupt practices committed by such agents were of a trivial, unimportant and limited character,

then the candidate shall not, by reason of such corrupt practices of agents, forfeit his seat.

(6.) The seat of a member may be declared vacant upon petition under the said Act for disqualification, or loss of qualification, subsequent to his admission to office, to be presented within three months after the same is known.

Power of  
Council to  
declare seat  
vacant.

**85.** Nothing contained in the foregoing provisions of this Part shall be construed to hinder or lessen the right of the Council to declare vacancies in the office of mayor, controller or alderman happening from death, resignation, exemption or absence, or to declare the seat of any member of the Council vacant for disgraceful or immoral conduct while a member of the Council. C. C., s. 81.

Casual  
vacancy—  
election for.

**86.** If a casual vacancy occurs in the office of mayor, controller or alderman, a day for the election of a duly qualified

person to fill the vacant office shall be forthwith fixed by the Council within thirty days from the occurrence of such vacancy, and the voters, after due notice, shall thereupon elect a qualified person to fill the vacant office. C. C., s. 82.

**87.** The election for a casual vacancy shall be conducted in all respects in the same manner as an election in the case of an ordinary vacancy occurring by the lapse of time. At any such election a voter shall not mark his ballot paper for more candidates for any office respectively than are to be elected to such office, and any ballot so marked shall be rejected by the presiding officer. C. C., s. 83.

How conducted.

**88.** (1.) The nomination paper in the case of a controller or alderman shall specify the controller or alderman to fill whose unexpired term the election is to be held.

Nomination paper and ballot to specify vacancy.

(2.) If the poll is taken along with the poll for the ordinary election for mayor, there shall be a separate ballot box for the election for the casual vacancy, and the ballot papers shall be of a different color from those for the ordinary election for mayor, and shall specify that they are for the casual vacancy. C. C., s. 84.

**89.** Any mayor, controller or alderman retiring from office shall, if then qualified, be capable of immediate re-election, but no person who has filled the office of mayor for three successive years shall be elected mayor until at least eleven months after the termination of his last occupancy. C. C., s. 85.

Re-election—eligibility for.

**90.** (1.) Any controller or alderman qualified to be elected as mayor may, with his consent in writing, to be filed with his nomination paper, be nominated for mayor, and he shall thereby vacate his office as controller or alderman.

Controller or alderman eligible for mayor.

(2.) Any alderman may, with his consent in writing, to be filed with his nomination paper, be nominated for controller, and he shall thereupon vacate his office as alderman. C. C., s. 86.

**91.** Any controller or alderman may resign office by a resignation in writing to be signed by him and addressed to the clerk. C. C., s. 87.

Resignations.

**92.** Except in case of serious illness or special leave previously obtained from the Council, absence from the City—

Absence—disqualification by.

(a) of the mayor or a controller for more than one month, and

(b) of an alderman for more than three months, shall vacate their respective offices. C. C., s. 88.



## 30 POWERS AND DUTIES OF MAYOR, CONTROLLERS, ALDERMEN

Casual  
vacancy to  
be declared  
by Council.

**93.** Every casual vacancy of office from death, resignation, absence or other reason, shall be declared by resolution of the Council before proceedings are taken to fill the vacancy. C. C., s. 89

Disgraceful  
conduct—  
expulsion  
for.

**94.** (1.) Any member of the Council who has been guilty of disgraceful or immoral conduct after he has been elected to such office may be expelled and his office vacated at any meeting by a resolution passed by a majority of two-thirds of the whole Council.

(2.) No motion to expel a member shall be made unless at least one week's notice thereof has been given to the members of the Council, including such member. C. C., s. 90

## POWERS AND DUTIES OF MAYOR, CONTROLLERS AND ALDERMEN.

Powers of  
Council.

**95.** The Council shall continue to have all the jurisdiction, authority and power which it possesses at the time of the coming into force of this Act, excepting in so far as the same are abridged or modified by this Act. C. C., s. 91.

City to act  
by Council.

**96.** The City shall be capable of acting by the Council, and such Council shall exercise all powers vested in the corporation by this Act or otherwise. C. C., s. 92.

## BOARD OF CONTROL.

Board of  
Control.

**97.** The mayor and the four controllers shall constitute the executive committee of the Council, and shall be known as the Board of Control. B. C., s. 14.

Mayor to be  
chairman of  
Board.

**98.** The mayor shall be ex-officio chairman of the Board, and shall preside at its meetings. In his absence his place shall be taken by the deputy-mayor, or if both are absent, by any controller chosen by the other controllers present. C. C., s. 521.

Meetings of  
Board.

**99.** The Board shall meet for the transaction of business at a regular time to be fixed by the Board, and as often as may be necessary for the full due and proper transaction of the business of the City, and may at any meeting require the attendance of any official of the City. B. C., s. 14.

Secretary.

**100.** The Board may appoint one of the present city officials as secretary or clerk, whose duty it shall be to keep minutes of all proceedings of the Board and prepare all reports and other proceedings of the Board, and shall perform such other duties and services as are assigned to him from time to time by the Board, the mayor or the Council. B. C., s. 14.

**101.** Every meeting of the Board shall be open to the public. B. C., s. 14. Meetings, public.

**102.** The board shall discharge all the duties heretofore assigned to or discharged by the following standing committees of the Council: Board of Control to discharge duties of former committees.

- (a) The Committee on City Works.
- (b) The Police Committee.
- (c) The Committee on Cabs.
- (d) The Committee on Finance.
- (e) The Committee on City Prison.
- (f) The Committee on Laws and Privileges.
- (g) The Committee on Tenders.
- (h) The Committee on Charities.
- (i) The Committee of Firewards. B. C., s. 14.

**103.** The Board shall perform all the duties of the Revising Committee of the juries lists under the provisions of Chapter 162, Revised Statutes. B. C., s. 14. Also of Revisers of Jury Lists.

**104.** It shall be the duty of the Board of Control— Duties of Board specified.

- (a) in the month of December in each year to prepare an estimate of all sums which are required for the ensuing civic year, and to recommend the same to the Council for its consideration;
- (b) to prepare specifications for and recommend for acceptance all contracts, and for that purpose to call for tenders for work, materials, supplies, implements or machinery, or any other goods or property required and which may lawfully be purchased for the use of the City, and to report their action to the Council at its next meeting. Upon the opening of any tenders, the chairman or Board shall require the presence of the head of the department or sub-department with which the subject matter of such tender is connected, and of the solicitor, when required, and such head of department may take part in any discussion relating to such tender, but shall not be entitled to vote;
- (c) to inspect and to report to the Council monthly, or oftener, upon all work being carried on by the City.
- (d) to nominate to the Council every head of a department or sub-department, in case of any vacancy and, after a favorable report by the head of the department concerned, any other officer of the City required to be appointed by the Council and any other permanent officer, clerk, or assistant, and to recommend the salaries of all officers and clerks, and no head of any department or sub-department or any other permanent officer,

clerk or assistant as aforesaid shall be appointed or selected by the Council in the absence of such nomination;

- (e) in the absence of any resolution or ordinance of the Council prescribing the mode of appointment of all or any other subordinate officers, clerks, assistants, employees, servants and workman not included in clause (d) hereof and required by any departments or sub-department for the due and proper discharge and performance of the duties and work thereof, the Board may by regulation or resolution direct by whom or in what manner such subordinate officers, assistants, employees, servants or workmen shall be appointed, engaged or employed.
- (f) to perform such other duties as the Council, from time to time, by ordinance or resolution, imposes upon or assigns to the Board.
- (g) to report to the Council four times every year giving a full statement of the business transacted during the period elapsed since the previous report, and in addition to report as often as the Council requires. B. C., s. 14.

Board may  
prepare  
ordinances.

**105.** The Board may from time to time prepare ordinances and recommend the same to the Council for adoption and, where in the opinion of the Board it is desirable, may amalgamate departments or sub-departments. B. C., s. 14.

To report to  
Council.

**106.** The Board shall, when so required by resolution of the Council, and upon one weeks notice thereof, return to the Council copies of the minutes of their meetings and any other information in their possession which the Council requires. B. C., s. 14.

Decision of  
Board to be  
approved by  
Council.

**107.** No decision of the Board shall have effect until it has been approved by the Council by the majority of the members present, except as hereinafter provided. B. C., s. 14.

Power of  
Council to  
refer back.

**108.** The Council shall not reverse a decision or amend a report or recommendation of the Board, except that the Council may by a vote of the majority of the members of the Council present, refer such decision, report or recommendation back to the Board for further consideration. B. C., s. 14.

Two-third  
vote required  
for second  
reference.

**109.** If such decision report or recommendation is again referred back to the Council by the Board without change or amendment, it shall take effect and be deemed to be approved, unless again referred back to the Board by a two-third vote of the Council.

**110.** Every decision, report or recommendation of the Board, unless adopted by the Council or referred back to the Board within thirty days from the presentation of such decision or recommendation to the Council, shall take effect and be deemed to be approved by the Council. B. C., s. 14.

Report of Board to stand if not referred back within thirty days.

**111.** It shall be the duty of the mayor—

Duties of Mayor.

- (a) to be vigilant and active at all times in causing the laws for the government of the City, and all by-laws and ordinances relating thereto, to be duly executed and put in force;
- (b) as far as may be in his power to cause all negligence, carelessness and positive violation of duty to be duly prosecuted and punished;
- (c) to inspect the conduct of all subordinate officers in the government of the City, and
- (d) from time to time to communicate all such information and recommend such measures within the power of the Council as may tend to the improvement of the finances, police, health, security, comfort and the sanitary condition and the appearance of the City. C. C., s. 93.

**112.** The mayor, controllers and aldermen while in office shall be justices of the peace in and for the City.

Members of Council to be justices of peace.

#### THE CITY CLERK AND ASSISTANT.

**113.** (1.) The clerk shall be the clerk of the Council and of the city court, and, with the exception of the bonds or securities of officials, shall have the custody of all records, documents and papers of the Council, and the city court and police court, and shall perform such other duties, and have such other powers, as are from time to time assigned to him by ordinance of the City.

City Clerk—duties of.

(2.) For the performance of all of such duties and the exercise of all of such powers as are in this section mentioned, the assistant clerk shall be deemed to be the deputy of the clerk and be subject to his directions. C. C., s. 95.

Assistant.

#### MEETINGS AND PROCEEDINGS.

**114.** The Council shall meet—

Meetings of Council.

- (a) on the first Thursday following the first Monday of each month at eight o'clock, p. m., or at such time as the Council by ordinance determines, and
- (b) whenever summoned to attend a special meeting.

C. C., s. 96.



Special  
meetings.

**115.** The mayor shall call the Council together—

- (a) whenever business requires such meeting to be held, and
- (b) whenever he is required so to do by at least five members in writing, specifying the purpose for which such special meeting is to be called, and if he does not call such meeting within twenty-four hours after notice of such requisition, the members who signed the same may direct the clerk to call a meeting, and he shall forthwith do so. C. C., s. 97.

Notice of  
meeting.

**116.** (1.) Two clear days at least before any meeting of the Council, notice specifying the time and place of meeting, and in a general way the business to be transacted thereat, and signed by the clerk, shall be left at the usual place of abode or of business of every member of the Council.

(2.) When a meeting is called at the instance of members who have signed a requisition, in addition to the requirements of this section, the notice of meeting shall give the names of such members. C. C., s. 98.

Meetings to  
be public.

**117.** Every meeting of the Council shall be held in public. C. C., s. 99.

Who to pre-  
side at meet-  
ings.

**118.** Every meeting of the Council shall be presided over—

- (a) by the mayor, if present, or
- (b) by the deputy-mayor, if the mayor is absent, or
- (c) if both are absent, then by such member as the members then present choose. C. C., s. 100.

Quorum.

**119.** (1.) Ten members of the Council, including the chairman, shall constitute a quorum.

(2.) At the time appointed for any meeting, if ten minutes elapse without a quorum appearing, the members present shall meet and—

- (a) adjourn the Council, or
- (b) extend the time for the meeting for a half hour from the hour fixed for the meeting, when, if a quorum is not present, the Council shall stand adjourned. C. C., s. 101, B. C., s. 12.

Majority to  
control.

**120.** (1.) Except as is herein otherwise provided all acts of the Council, and all questions and matters coming or arising before the Council may be done and decided by the majority of such members of the Council as are present and vote at a meeting held in pursuance of this Act, the whole number present

at the meeting, whether voting or not,\*not being less than ten including the chairman.

(2.) Unless otherwise expressly provided, if any act of the legislature, or rule or ordinance of the City, requires any matter or thing to receive the sanction of two-thirds of the Council, it shall be deemed to mean eleven of the sixteen controllers and aldermen, irrespective of the number present at the meeting. C. C., s. 102, B. C., s. 13. Two-third  
vote.

**121.** (1.) Minutes of the proceedings of every meeting Minutes.  
of the Council shall be drawn up and fairly entered by the clerk in a book kept for that purpose by him, and such book shall be properly indexed.

(2.) Such minutes shall—

(a) contain all resolutions and motions passed, with the names of the movers and seconders, and,

(b) mention reports, petitions, and other papers submitted to the Council only by their respective titles, or by a brief description of their purport, except accepted reports, which shall be entered at length.

(3.) The minutes of the next preceding meeting need not be read in open Council unless a member present requires it to be done in order that any mistake in such minutes may be corrected by the Council.

(4.) The minutes of every meeting, or the minutes so corrected, when approved, shall be signed by the chairman of the meeting at which they are approved.

(5.) A minute of the proceedings at a meeting of the Council purporting to be signed by the mayor or deputy-mayor, or a presiding member describing himself or appearing to be chairman, shall be received in evidence in all courts in this province without further proof, and shall constitute evidence of the proceedings at such meeting.

(6.) The minute book shall be open to the inspection of all persons qualified to vote at a civic election.

(7.) A printed copy of the minutes, when signed by the chairman of the meeting and the clerk, shall be deemed to be an official record of such minutes

(8.) Every meeting in respect of the proceedings whereof a minute has been so made shall *prima facie* be deemed to have been duly convened and held, and all the members at the meeting shall be deemed to have been duly qualified. C. C., ss. 103, 104. Meeting pre-  
sumed legal.

Vacancy or want of notice not to invalidate proceedings.

**122.** No act or proceeding of the Council shall be questioned on account of any vacancy in that body, or for want of notice to any member of the holding of the meeting. C. C., s. 105.

Ordinances—Council may make.

**123.** The Council may from time to time make, alter and repeal ordinances to regulate the conduct of business at meetings of the Council and of any committee, and the rules of order and proceedings at such meetings. C. C., s. 107.

Certain boards—appointment of.

**124.** The Council shall annually, as soon after the ordinary annual elections as is convenient, appoint such members of the following Boards, as under the provisions of this act, it has power to appoint, namely:—

- (1.) Commissioners of Halifax Common.
- (2.) Commissioners of Point Pleasant Park.
- (3.) Commissioners of Camp Hill Cemetery.
- (4.) Board of Arbitration between the City and County.
- (5.) Ship Building Commission. C. C., s. 109.

Special committees—appointment of.

**125.** The Council may from time to time appoint such committees as it deems necessary for the purpose of inquiring into and reporting upon any matter referred to any such committee. C. C., s. 110; B. C., s. 17.

Mayor to nominate committees.

**126.** The mayor shall nominate the members of all such committees. Every such nomination shall be subject to the approval of the Council, which may, by a majority vote, reject any nominee of the mayor, and appoint another member in his stead. C. C., s. 111.

Person ceasing to be member of Council.

**127.** If any person so appointed on any committee ceases to be a member of the Council, he shall thereupon cease to be a member of such committee, and the Council shall appoint another member to fill the vacancy. C. C., s. 112.

Removal from committees.

**128.** The Council may, by a majority vote, remove any committee, or any member of any committee. C. C., s. 113.

Vacancies—when filled.

**129.** A vacancy happening in any committee, or in respect to any member appointed by the Council on any board, may be filled by resolution of the Council at any meeting and without giving any notice of motion. C. C., s. 114.

Chairman of committees.

**130.** (1.) The first named member of every such committee shall act as its chairman until a chairman is appointed, and he shall call the committee together within three days after its appointment.

(2.) When the committee meets it shall elect its own chairman.

(3.) In the absence of the chairman at any regularly called meeting, a quorum of the committee present may appoint a chairman *pro tempore*. C. C., s. 115.

**131.** Unless the Council otherwise directs, the following Quorum of Committees. proportion shall constitute a quorum of a committee or board:—

(a) If it is composed of six or more members, one-half of the number of the members.

(b) If it is composed of less than six members, a majority of the members. C. C., s. 116.

**132.** (1.) The report of every committee or board shall Reports of Committees. be in writing, and when passed unanimously, shall be signed by the chairman, or in his absence, the acting-chairman.

(2.) When there is a difference of opinion, the report shall be signed by those members who concur in it.

(3.) A minority of the members may also, if it thinks fit, present a report in writing to the Council setting forth its views.

(4.) If the report of a committee or board is adopted and approved by the Council, the mayor, if the report is that of a committee, or the chairman of the board if the report is that of a board, shall cause all matters recommended in such report to be carried into full effect. C. C., s. 117.

**133.** (1.) If any committee fails to present its report to Failure to report. the Council on any matter referred to it within one fortnight after the reference, or such further time as the Council grants, such committee or any member may be censured by the Council.

(2.) No member of a committee censured by the Council shall have the right to speak or vote in Council until the Council removes the censure. C. C., s. 118.

#### CITY APPOINTMENTS.

##### (1.)—*Permanent Appointments.*

**134.** (1.) The Council shall from time to time upon the Permanent official appointments of. nomination of the Board of Control appoint a fit person to fill each of the following offices, that is to say, the office of—

(1.) City Treasurer.

(2.) City Clerk.

(3.) City Engineer.

(4.) City Collector.



- (5.) City Auditor.
- (6.) Inspector of Buildings.
- (7.) Chief City Assessor and two Assistant Assessors.
- (8.) Chief of Police, and
- (9.) Chief of Fire Department.

Dismissal.

(2.) Every such officer shall hold office until his death or resignation, but he may be dismissed from his office for good cause by a two-thirds vote of the whole Council at a meeting of the Council called to consider the question.

(3.) Such dismissal shall not take effect until the expiry of three months from the date of the meeting on which such vote was passed, unless the Council—

- (a) by such vote directs an immediate dismissal, and
- (b) pays the officer so dismissed three months' salary in lieu of notice.

(4.) No officer dismissed for misconduct shall be entitled to hold any office of the City after such dismissal. C. C., s. 119, B. C., s. 14.

Treasurer or clerk—vacancy in case of.

**135.** A vacancy in the office of treasurer or clerk shall be filled within thirty days after its occurrence. C. C., s. 120.

Appointments to be made on recommendation of Board of Control.

**136.** A vacancy in any of the foregoing offices shall be filled by the Council on the nomination of the Board of Control, and notice that the appointment will be made shall be included in the notice calling the meeting at which the appointment is to be made. C. C., s. 297 (Part). B. C., s. 14.

(2.)—*Annual Appointments.*

Officials appointed annually.

**137.** (1.) The Council may on the nomination of the Board of Control appoint suitable persons to fill the following offices, that is to say:—

- Assistant City Engineer.
- Clerk of Works.
- Foreman of Streets and Sewers.
- Foreman of Water Works.
- Assistant City Clerk.
- Clerk of Water Department.
- City Electrician.
- Clerk of Licenses.
- Caretaker of City Property.
- Water Inspector.
- Inspectors of Painters' Work.
- Inspectors of Masons' Work.
- City Medical Officer.

Stenographers and Typewriters.  
 Janitor of City Hall.  
 Matron of Police Station.  
 Registrar of Camp Hill Cemetery.  
 Governor or Keeper, Matron, Messenger, and four Under-keepers of the City Prison.  
 Superintendent, Matron, Assistant Engineer, and Secretary of City Home.  
 Superintendent of Public Gardens.  
 Librarian and two Assistant Librarians of the Citizens' Free Library.  
 Weighers of Coal and Supervisor of Coal Weighers.  
 Surveyors of Lumber.  
 Sealer of Leather.  
 Fence Viewers.  
 Weighers of Bundle Hay.  
 Weighers of Loose Hay.  
 Pound Keepers.

and such other officers of any kind as it deems necessary or expedient to carry out the powers vested in the corporation by law.

(2.) The Council, on the recommendation of the Board of Control, may discontinue or omit the appointment of any such officer appearing to it not necessary to be re-appointed, and may, on the recommendation of the Board of Control, suspend any such officer, and may at pleasure, on a like recommendation, remove every such officer and appoint another in his place. Discontinu-  
ance, suspen-  
sion.

(3.) Every officer mentioned in this section shall, except in the case of a casual vacancy, be appointed at the first regular monthly meeting in May in every year, or at any subsequent meeting or meetings of the Council, and shall hold office until the thirtieth of April next succeeding, and shall be eligible for re-appointment. Date of ap-  
pointments.

(4.) Such appointment shall be made by open voting of the Council. Open Vote.

(5.) If the Council does not complete the appointment of all officers on the day fixed for that purpose, it may do so at any adjourned or subsequent meeting. C. C., s. 123. B. C., s. 14. Adjournment.

(3.)—*Security by Officers.*

**138.** (1.) Each of the following officers shall, before entering upon his duties, and during his continuance in office, furnish and keep in force security to the satisfaction of the Council for the faithful performance of his duties in the amount Security by  
officials.

set opposite to his name, or such additional amount as the Council from time to time requires.

Treasurer .....	\$ 8,000
Collector .....	10,000
Clerk .....	1,000
Assistant City Clerk .....	1,000
License Inspector .....	1,000
Chief of Police .....	2,000
Marshal .....	1,000
Clerk of Works .....	2,000
Chief of Fire Department .....	1,500
Superintendent City Home .....	1,000

(2.) Every other officer appointed by the Council, if required so to do by resolution, shall furnish and keep in force security to the satisfaction of the Council for the faithful performance of his duties.

(3.) Every officer failing to furnish security for thirty days after he is appointed, or to keep his security in force, or to furnish an additional security if required, shall vacate his office, and another person may be appointed thereto.

(4.) Any such security shall be given by one or more bonds or policies of guaranty of any incorporated company empowered to grant such bonds or policies, such company and such bonds or policies to be approved by the Board of Control.

(5.) Such security, when not otherwise provided for, shall be in such sum or sums, and in such form, and with such terms and conditions as the Board of Control approves. C. C., s. 124.

Council to  
direct place  
of deposit.

**139.** The Council may, by resolution, direct how and where such securities shall be deposited for safety, and in default of such resolution they shall be in the custody of the auditor. C. C., s. 125.

Mayor and  
auditor to  
report on.

**140.** The mayor and auditor shall, annually, at the first meeting of the Council in June, submit to the Council a report in writing upon the sufficiency of the security of each city official. C. C., s. 126.

Liability of  
Mayor.

**141.** The mayor shall be personally liable in damages to the City to be recovered in a civil action for any loss which is occasioned to the City by reason that any bond or policy of guaranty, or any security required by law, or by ordinance, or by-law or resolution of the Council, or Board of Control, to be given by any officer, is not furnished or kept in force. C. C., s. 127.

*(4.)—Miscellaneous Provisions Respecting Officers and Others.*

**142.** Where there are a number of candidates nominated for election to any office in the gift of the Council, unless some act of the Legislature otherwise directs, the name of the candidate receiving the lowest number of votes on each motion or ballot at such election shall be dropped, and the Council shall thus continue the election until a candidate is finally appointed to such office. R. of O. 36.

Mode of election of officials.

**143.** If the Council has commenced such election and adjourns to another day, or another meeting is called before such final election is reached, and in either case the Council proceeds to elect to such office, the name or names of the candidates previously dropped shall not again be considered or voted upon. R. of O. 37.

Adjournment of election.

**144.** Any officer of the City, although appointed for one year, or other term certain, shall continue to hold office until removed, either by an express vote of removal passed by the Council, or by the appointment of a successor, and until such successor takes the oath of office and has given security to the satisfaction of the Council. C. C., s. 128.

Officials to hold office until successfully appointed.

**145.** (1.) Any person not duly qualified and appointed who assumes the duty, or presumes to exercise the functions of any city office, or of any office the appointment to which is vested in the Council, Board of Control or the mayor, shall be liable to a penalty not exceeding forty dollars, and in default of payment, to imprisonment for a term not less than ten days nor more than ninety days.

Exercising office unlawfully.

(2.) Any officer who, having been lawfully dismissed, continues to act as in office, shall be liable to a like penalty. C. C., s. 129.

**146.** Every officer appointed by the Council, except the solicitor and the medical officer, who engages in any business or occupation which the Council by ordinance or resolution has declared to be incompatible with the satisfactory performance of his duties as an officer of the City, shall be liable to be suspended from or to forfeit his office. C. C., s. 130.

Business outside of office prohibited.

**147.** No officer shall, while in office, be a contractor with the City or any committee, board or officer of the City, for building work, supplies, or business of any description for the City, or a surety for any such contractor. C. C., s. 131.

Officials not to contract with city.

**148.** (1.) Every officer of the City shall, before entering upon the duties of his office, unless the Council by ordin-

Oaths of office.



ance or resolution dispenses with the requirement, take and subscribe the oath of allegiance and the following oath of office:

"I, A. B., do swear that I will truly and faithfully, to the best of my knowledge and ability, execute the office of (————) to which I have been appointed in the City of Halifax, so long as I shall hold the said office on re-appointment or otherwise." So help me God.

A. B.

(2.) Upon re-appointment to any office, such oath shall not be necessary. C. C., s. 132.

Duties regulated by ordinance.

**149.** The Council may from time to time, on the recommendation of the Board of Control, by ordinance, prescribe—

- (a) the duties and functions of any officer of the City,
- (b) the manner in which he shall account for money received or expended by him, and the remuneration or fees he is to receive for his services. C. C., s. 133.

Members of Council ineligible for office of emolument.

**150.** No person while a member of the Council shall be nominated for or appointed to any office of emolument in the gift of the Council, with the exception of membership in the Board of School Commissioners. C. C., s. 134.

Investigation by county judge.

**151.** (1.) If the Council by a two-thirds vote of all of the members, by resolution, requests the judge of the county court to investigate—

- (a) any matter relating to malfeasance in office, breach of trust, disgraceful, immoral, or improper conduct on the part of any member of the Council, or any official of the City, or
- (b) any charge that any such member or official has a contract with anyone contrary to the provisions of this Act, or
- (c) any matter relating to the duties of any such member or official or any other person to the corporation, or
- (d) any matter connected with the good government of the City, or the conduct of any part of the public business thereof,

the judge shall investigate the same.

(2.) For such purpose he may summon before him any party or witness to testify and to produce any document or thing which the judge deems necessary, and may examine, upon oath, or on affirmation, and may take evidence orally or in writing, and for such purposes shall have all the powers vested in the county court in civil cases;—provided that no one shall be compelled to answer any question the answer to which might render him liable to a criminal prosecution. C. C., s. 135.

**152.** No action shall be taken against any person so charged founded upon evidence given by any witness unless it appears that he had an opportunity of appearing before the judge and cross-examining the witness, either at the time when he was examined in chief or subsequently, and also that he had an opportunity of adducing evidence on his own behalf. C. C., s. 136. No action against person charged unless notified.

**153.** The judge, with all convenient speed, shall report to the Council the result of the investigation and the evidence. C. C., s. 137. Report of judge.

**154.** The judge shall be paid by the City for his services in holding such investigation the same fees as he would be entitled to receive as a referee under the provisions of the Judicature Act and rules, had the matter been referred to him thereunder for inquiry and report. C. C., s. 138. Remuneration.

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## PART III.

### ADMINISTRATION OF JUSTICE.

#### THE CITY SOLICITOR.

**155.** (1.) The Council shall from time to time on the nomination of the Board of Control appoint a barrister of the supreme court, of at least five years' standing, to be the solicitor of the City. City Solicitor.

(2.) His appointment and dismissal shall be subject to the approval of the Governor-in-Council.

(3.) In other respects his tenure of office and terms of dismissal shall be the same as those of the other permanent officers appointed by the Council.

(4.) Before entering upon the duties of his office, he shall be sworn before the Lieutenant-Governor or the chief justice, or any judge of the supreme court, to the faithful discharge of such duties.

(5.) He shall not be precluded from practicing his profession and from being retained by other clients, subject to the requirement of his discharging his duties to the City.

(6.) There shall be paid to him a salary of two thousand dollars a year, in lieu of costs and fees, except that he shall be entitled to receive and retain the costs collected from the adverse party in actions in which the City succeeds. C. C., s. 139.

His duties.

**156.** The solicitor shall—

- (a) give legal advice and assistance to the mayor and members of the Council and the officials in the performance of the duties of their respective offices.
- (b) attend all meetings of the Council when required so to do.
- (c) draft and revise all legal documents required by the City.
- (d) act as solicitor and counsel for the City in any action in a provincial court in which the City is a party, or which is conducted on the part of the City.
- (e) take charge of and manage all the legal business connected with the affairs of the City.
- (f) act as solicitor and counsel for the Board of School Commissioners for the City of Halifax, and for the City Health Board, and
- (g) have the powers and duties of the recorder. C. C., s. 140. 1912, c. 82, s. 12.

Acting City  
Solicitor

**157.** (1.) The mayor may from time to time, on the request of the solicitor, appoint a barrister of the supreme court to discharge the duties of the solicitor during his absence from the City, or his incapacity from illness or other cause.

(2.) Such person so appointed shall, during such absence or incapacity, have all the powers and perform all the duties of the solicitor, and shall in all official acts and documents be known as the Acting City Solicitor.

(3.) He shall have no claim on the City, or any officer of the City, other than the solicitor, for remuneration for his services as such acting city solicitor. C. C., s. 141.

W. F. MacCoy  
—superannuation of.

**158.** (1.) The City shall pay to William F. MacCoy, formerly recorder of the City, a superannuation allowance of six hundred dollars, yearly, to begin from the date of his retiring from office; such amount to be paid to him by the treasurer in twelve equal monthly payments, and the same shall be included in the estimates for each year and be rated and collected along therewith. C. C., s. 142.

STIPENDIARY MAGISTRATE.

Stipendiary  
Magistrate.

**159.** (1.) The Governor-in-Council may from time to time appoint a barrister of the supreme court, of at least five years' standing, to be stipendiary magistrate for the City.

(2.) He shall hold office during good behaviour.

(3.) Before entering upon the duties of his office, he shall be sworn before the Lieutenant-Governor, or the chief justice, or any judge of the supreme court, to the faithful discharge of such duties.

(4.) He shall not, during his incumbency, fill any other office or practice his profession.

(5.) There shall be paid to him a salary of two thousand five hundred dollars a year in full for all services as such stipendiary magistrate.

(6.) He shall, in addition to all the powers of a stipendiary magistrate under the provisions of the Revised Statutes, 1900, Chapter 33, "Of Stipendiary Magistrates," and all other powers specially or otherwise conferred, have and exercise within the City all the powers conferred upon a stipendiary magistrate, police magistrate, or upon a justice or two justices of the peace, by any law of the United Kingdom, or of Canada, or of the Province, or any ordinance, by-law, or regulation made under the same which is applicable to the City or is in force therein. His Jurisdiction.

(7.) He shall have and exercise all the jurisdiction, power and authority necessary for the apprehension, conviction, commitment and punishment of criminal offenders within the City over which justices of the peace, stipendiary and police magistrates have jurisdiction, and for the carrying into effect the provisions of this Act and of the laws in force in the City, and the by-laws, ordinances and regulations in force in the City.

(8.) In any such law, ordinance, by-law or regulation, unless the context otherwise requires, the expressions "Stipendiary Magistrate", "Police Magistrate", "Two Justices of the Peace", or "Court" in a context meaning a like Court, shall be deemed to include such stipendiary magistrate. C. C., ss. 143, 144.

**160.** The stipendiary magistrate of the City shall be deemed an official of the City for the purposes of superannuation, and the provisions of this Act in that respect shall apply to the present incumbent of that office if he so desires. 1907, c. 69, s. 7. May contribute to superannuation fund.

**161.** (1.) The Governor-in-Council shall every year appoint a barrister of the supreme court of at least five years' standing to be the deputy-stipendiary magistrate for the City, who shall have all the powers and functions of the stipendiary magistrate, and shall act as stipendiary magistrate in the event of and during any vacancy in the office Deputy Stipendiary.



of stipendiary magistrate, or of his temporary absence from the City or incapacity or disqualification through illness, interest or otherwise, at any time in such year.

(2.) Such deputy-stipendiary magistrate shall be appointed from a list of three persons placed before the Governor-in-Council by the stipendiary magistrate, and shall take the oath of office before any of the persons and in the manner provided in respect to the stipendiary magistrate.

(3.) The deputy-stipendiary magistrate shall cease to act as stipendiary magistrate upon the filling of such vacancy or the return to the City of the stipendiary magistrate, or the termination of the incapacity or disqualification, except that he shall dispose of any cases remaining undisposed of by him at the date of the filling of such vacancy, return, or termination of the incapacity or disqualification.

(4.) He shall, except in the case of vacancy in the office of stipendiary magistrate, or incapacity of the stipendiary magistrate from interest, have no claim on the City, or any officer of the City, other than the stipendiary magistrate, for remuneration for his services as such deputy-stipendiary magistrate. C. C., s. 145.

#### THE CITY MARSHAL.

City  
Marshal.

#### 162. The marshal shall—

- (a) attend the sittings of the city court.
- (b) obey the lawful orders of the stipendiary magistrate in the execution of his duties connected with the city court.
- (c) execute or cause to be served or executed all writs, orders, or other process of the city court, and
- (d) generally, as executive officer of the city court and the business thereof, shall, within the City, possess all the powers and authority, and discharge the duties which a sheriff by law possesses or may discharge within his bailiwick. C. C., s. 145A.

#### THE CITY COURT.

##### (1.)—*The Court.*

City Court.

**163.** There shall be in the City of Halifax a court of law and of record for civil causes, to be called the City Court. C. C., s. 146.

**164.** It shall be presided over by—

Who may  
preside in.

- (a) the stipendiary magistrate for the City, or
- (b) the deputy-stipendiary magistrate when acting as stipendiary magistrate as hereinbefore provided, or
- (c) the solicitor, if there is no deputy-stipendiary magistrate, in which event such solicitor for such purpose shall have all the powers and jurisdiction of the stipendiary magistrate when acting in the capacity of judge of the city court. C. C., s. 147.

(2.)—*Clerk and Seal.*

**165.** (1.) The clerk shall be the clerk of the court.

City Clerk to  
be clerk of  
Court.

(2.) The clerk shall issue all process of the court and shall file grounds of defence and set-off, affidavits and other documents in an action, and shall have charge of the records of the court.

(3.) He shall attend at the sittings of the court and perform the usual duties of a clerk of the court. C. C., s. 148.

**166.** Any act or thing which the clerk is empowered to do may be done by an assistant city clerk under the direction of the former. C. C., s. 149.

Assistant  
Clerk.

**167.** (1.) The seal of the city court, having engraved on it the words "Halifax, Fiat Justitia, City Court," and the likeness of a pair of scales, shall continue to be the seal of the court.

Seal of Court.

(2.) It shall be kept by the clerk, and shall be affixed to all process of the court. C. C., s. 150.

(3.)—*Jurisdiction.*

**168.** (1.) The city court shall have power and jurisdiction to entertain, try and determine in a summary way without a jury the following actions, that is to say:—

Jurisdiction.

(a) any civil action on contract where—

(i) the cause of action or dealing in whole, or in part, has arisen within the City, or

(ii) the defendant resides in the City, and the cause of action does not exceed eighty dollars, whether it consists of—

(i) an entire transaction or account, or

(ii) a balance upon accounts stated and settled before action, or

(iii) a balance, the original amount having been reduced by payments of cash.

- (b) any action of tort or action for replevin in which—
- (i) the title or right of possession of real property is not in dispute;
  - (ii) the cause of action originated within the City, and
  - (iii) the amount claimed for damages, or the value of goods claimed in replevin, does not exceed fifty dollars.

Judgment for  
set-off.

(2) Where the defendant claims and proves a set off or counter-claim of greater amount than the plaintiff has proved, the court may give judgment for the balance, notwithstanding such balance exceeds eighty dollars. C. C., s. 151.

Executors  
may sue or  
be sued.

**169.** Any executor or administrator may sue, or be sued, in the city court, in like manner as in the supreme court in respect to a cause of action mentioned in the next preceding section, and execution shall be such as in the like case would be given or granted in the supreme court. C. C., s. 152.

Assignees.

**170.** Subject to the provisions of the Judicature Act in respect to the assignment of debts or other choses in action, the city court shall have jurisdiction in actions brought by assignees of debts or other choses in action. C. C., s. 153.

*(4.)—Process and Service.*

Process and  
service.

**171.** (1.) The city court shall use as its process, writs of summons, capias, execution and subpoena, and in such forms as have been used or shall be established for use in such court.

(2.) Such process shall be issued under the hand of the clerk and the seal of the court.

(3.) It may be directed—

- (a) if it is to be served or executed in the City, to the marshal, or his deputy, or to any of the police constables of the City.
- (b) if it is to be served or executed in the County of Halifax, or in any other part of the province, to any constable or police constable of the place in which the same is to be served or executed.

(4.) It may run into and be served or executed in any part of the province by any constable, police constable or peace officer within the place for which he is appointed or acts as such, and whether directed to him or not,—provided that a writ of capias shall not be executed outside of the County of Halifax.

(5.) Service of process may be proved by the oath or affidavit of the person serving the same taken before the clerk, any commissioner of the supreme court, stipendiary magistrate, or justice of the peace. C. C., s. 154.

**172.** Whenever it is made to appear to the court that the defendant is within the province, and for any reason personal service of a writ of summons or other proceeding in the action cannot be effected, substituted service may be ordered and effected in the like manner as a like writ or proceeding in the supreme court. C. C., s. 155.

**173.** (1.) When a person applies to have a writ of summons or *capias*, he shall deliver to the clerk—

(a) one copy of his account, or a concise statement of his cause of action or ground of complaint, to be filed, and

(b) as many copies thereof as there are defendants.

(2.) One of such copies shall be attached to each copy of the writ to be served. C. C., s. 156.

**174.** (1.) In the case of an account or accounts claimed to have been rendered the account to be filed may, in whole or in part, by words of reference, indicate any such account or accounts claiming the total or balance without furnishing the items thereof.

(2.) If an account exceeds three hundred words, each figure counting as a word, such particulars only may be furnished as will convey to the defendant a clear notice of the claim without furnishing the items.

(3.) The account shall give credits if there are any. C. C., s. 157.

**175.** There shall be endorsed on each copy of such writ a notice notifying the defendant to file his grounds of defence, and the particulars of any set-off or counter-claim, on or before eleven of the clock on the Saturday before the day of the sittings of the court on which the writ is returnable, and to serve a copy of the same on the plaintiff, or his agent or solicitor, on or before three of the clock on the said Saturday, and in default thereof, that the plaintiff shall be at liberty on the return day of such writ to enter final judgment by default, and in case of a debt or liquidated demand for any sum not exceeding the sum claimed in his account or statement of his cause of action, with costs. C. C., s. 158.



When process  
returnable.

**176.** Writs of summons and *capias* shall be made returnable at the next ensuing sittings of the court if issued before three of the clock in the afternoon on the second Tuesday before such sittings, and if issued after that time shall be made returnable at the sittings next after such sittings. C. C., s. 159.

Process to be  
served outside  
City ten clear  
days.

**177.** Writs to be served outside of the City shall be made returnable at such sittings as will admit of service at least ten clear days before such sittings. C. C., s. 160.

Deposit when  
defendant re-  
sides outside  
City.

**178.** (1.) Where the defendant does not reside within the City, the plaintiff shall, before the issuing of a writ of summons, deposit with the clerk a sum equal to ten cents per mile of the distance between the residence of the defendant and the City.

(2.) The amount of such deposit shall be endorsed on the writ of summons and copy, and if the same is not actually paid and so endorsed such writ and service shall be void.

(3.) Such deposit shall not be returned until after the expiration of the time limited for appealing from the judgment, and in the event of an appeal such deposit shall not be paid over, but shall be sent to the clerk of the county court with the papers in the cause.

(4.) Such deposit shall be paid, in the case of appeal by the clerk of the county court, and in the case of no appeal by the clerk of the city court,—

- (a) to the plaintiff, if final judgment is given in favor of the plaintiff, or
- (b) to the defendant for his personal expenses in attending upon the trial, if the plaintiff discontinues, or if judgment is for any cause given in favor of the defendant.

(5.) This section shall not apply in the case of a defendant residing out of the province. C. C., s. 161.

*Capias.*

**179.** (1.) Where any person before, at or after the commencement of an action makes an affidavit stating—

- (a) that another person is indebted to him in a sum not exceeding eighty dollars, specifying the amount of the debt,
- (b) that such debtor is then within the County of Halifax, and
- (c) that the deponent has probable cause for believing, and does believe, that the debtor is about to leave the province, and that he believes the debt will be lost unless the debtor is forthwith arrested;

the creditor shall be entitled to have a writ or writs of *capias* issued out of the court for the arrest of such defendant.

(2.) In such affidavit the grounds of deponent's belief need not be stated.

(3.) It may be made by any person on behalf of the creditor. C. C., s. 162.

**180.** The clerk, if the stipendiary magistrate is not in attendance, shall have the jurisdiction of the stipendiary magistrate to take the affidavit, subscribe the jurat thereto, and allow the issuing of a writ of *capias*, and any writ purporting to be issued by the clerk shall be presumed to have been so issued by him when the stipendiary magistrate was not in attendance. C. C., s. 163.

Affidavit—  
when clerk  
may take.

**181.** (1.) The officer to whom a writ of *capias* is delivered to be served shall forthwith arrest the defendant and shall convey him to the county gaol, and he shall there be detained in custody, subject to being brought before the stipendiary magistrate as directed by the writ, until final judgment in the action, and if such judgment is against him, until the expiration of five days thereafter, unless and until—

Arrest of  
defendant  
and bond.

- (a) he pays to the marshal the amount of the debt and costs to be paid over to the plaintiff or his solicitor, on application therefor, or
- (b) he deposits as security, with the marshal, the amount of the debt and ten dollars for costs, or
- (c) he gives a bond for such amounts made to the plaintiff with sufficient sureties.

(2.) The condition of such bond or attached to such deposit shall be that if within five clear days after final judgment in the action an order is made under "The Collection Act" for the appearance of the defendant at an examination to be held thereunder, and the said order has been served upon him or upon his sureties, or either of them, or his solicitor, at least five clear days before the time fixed in the order for his appearance, then he will appear at such examination in obedience to such order, or at such adjournment of such examination as is granted upon the application of his sureties or solicitor in his absence, or of the plaintiff, and will surrender himself to prison in case of an adjudication of imprisonment under "The Collection Act."

(3.) Such deposit shall be subject to the order of the court or stipendiary magistrate in chambers. C. C., s. 164.

Setting aside  
capias.

**182.** Any person arrested under a writ of *capias* may, on the ground that he was not about to leave the province, or other ground, apply to the stipendiary magistrate by notice of motion to set aside the said writ of *capias*, or to discharge him from custody, or to have the bond or deposit delivered up, or for such other relief as is just. C. C., s. 165.

Replevin.

**183.** The provisions in respect to replevin in the supreme court shall apply to the like cases in the city court, the chief of police taking the place of the high sheriff, and the clerk taking the place of the prothonotary in carrying out such provisions. C. C., s. 166.

Alias and  
pluries writs.

**184.** Alias and pluries writs of summons and *capias* may be issued where a previous writ has been returned not served, and the costs thereof shall be included in the ultimate taxation of costs, if any, against the defendant. C. C., s. 167.

(5.)—*Defences.*

Defences—  
when filed  
and served.

**185.** (1.) A defendant shall, on or before eleven of the clock in the morning of the Saturday before the sittings for trial, file with the clerk a statement showing the grounds of defence, or any set-off to the plaintiff's claim, or any counter-claim, together with his address or the name of his solicitor.

(2.) A copy shall be served on the plaintiff, or his agent or solicitor, before three of the clock in the afternoon of the Saturday next preceding the return day of the writ.

(3.) If any of the provisions of this section are not complied with, the defendant shall, unless they are waived, lose the benefit of his defence, set-off or counter-claim in that action, unless reasonable cause is shown to the court for the neglect. C. C., s. 168.

Tender.

**186.** (1.) If the defendant pleads a tender before action, he shall, when he files his grounds of defence, pay the amount to the clerk.

(2.) If on the trial it appears that the defendant tendered the money to the plaintiff before action, and that the same was sufficient to satisfy the plaintiff's claim, the defendant shall be entitled to judgment for his costs, which shall be deducted from the amount paid into court, or may be recovered from the plaintiff by execution. C. C., s. 169.

Payment of  
to clerk.

**187.** (1.) The defendant may at any time not later than one clear day before trial, pay to the clerk, or pay or tender to the plaintiff, or his solicitor, the amount which he considers sufficient to satisfy the plaintiff's claim and the court fees

actually paid by or on behalf of the plaintiff, without being liable to the plaintiff for any other costs, and, if paid to the clerk, may give notice thereof to the plaintiff.

(2.) The plaintiff may accept the same in satisfaction of his claim and the fees incurred. C. C., s. 170.

**188.** (1.) If he does not accept the same, and on the trial it appears that no more is due to the plaintiff than the sum so paid or tendered, the defendant shall be entitled to judgment for his costs incurred after such payment. Acceptance and refusal of tender.

(2.) Where the defendant so pays or tenders money, and the judgment is for the plaintiff, the amount paid into court shall be deducted from the amount due to the plaintiff, and the judgment shall be entered up for the balance due to the plaintiff and costs. C. C., s. 171.

**189.** Confession in writing, or verbally given in court, may be recorded by the clerk, and judgment given thereon. Confession. C. C., s. 172.

**190.** (1.) Where a defence has not been filed by or on behalf of the defendant, and the writ has been duly served, the plaintiff, on the day when the writ is returnable, may enter judgment by default against the defendant. Default—judgment by.

(2.) If the claim is for a debt or liquidated demand in money, judgment may be entered for any sum not exceeding the amount claimed in the account or statement of the cause of action which has been filed.

(3.) If the claim is not for a debt or liquidated demand in money, the damages may be assessed on such return day or at any subsequent sittings or day to which the cause is adjourned, and judgment entered accordingly. C. C., s. 173.

*(6.)—Sittings of the Court and Trials.*

**191.** (1.) The city court shall sit for the trial of actions and for such other business as is brought before it on the second and fourth Wednesdays of every month, and may adjourn from day to day or to a future day until the list of actions ready for hearing and any such business are disposed of. Sittings.

(2.) It may also sit at any other time to hear or dispose of any business which is brought before it. C. C., s. 174.

**192.** On the Monday preceding the sittings of the court the clerk shall, for the information of suitors, post up in his office a list of the actions for trial at such sittings. List to be posted up. C. C., s. 175.



Calling  
docket.

**193.** The list of causes for trial shall be called but once at each sittings. C. C., s. 176.

Dismissal for  
plaintiff not  
answering.

**194.** If the plaintiff does not answer on his action being called, and proceed to try the same, it may be dismissed without prejudice to his right to bring a fresh action. C. C., s. 177.

Defendant not  
answering.

**195.** If the defendant does not answer, he shall have a judgment entered against him by default. C. C., s. 178.

Adjournment  
—how  
granted.

**196.** (1.) The adjournment of a trial to another sittings, except by consent of parties, shall not be granted at the instance of a party except upon affidavit or upon oath in open court, showing or stating some reasonable and substantial ground for an adjournment and averring—

(a) in the case of a plaintiff's application that there is a good cause of action, or

(b) in the case of a defendant's application that there is a good and substantial defence upon the merits.

(2.) The Court may impose such terms in the order for adjournment as it deems just.

(3.) The application shall, unless a postponement of the application is granted, be made at the opening of the court, or upon notice of the application at such other time as the court appoints. C. C., s. 179.

Defendant  
entitled to  
adjournment  
for short  
service.

**197.** Every defendant shall, upon application to the court, be entitled to an adjournment of the trial where the writ has not been served upon him—

(a) at least four clear days before the return day if served within the City, and

(b) at least ten clear days before such return day if served outside of the City.

But if the defendant does not appear, judgment by default may be entered against him, notwithstanding the provisions of this section. C. C., s. 180.

Adjourned  
actions to be  
tried first.

**198.** Adjourned actions shall be entered upon the list for trial and be tried before the new actions. C. C., s. 181.

Evidence and  
depositions.

**199.** (1.) The court shall try every action which is contested upon documentary evidence, the *viva voce* testimony of witnesses, and upon the evidence and depositions of witnesses taken *de bene esse* as provided in this section.

(2.) The deposition of any witness who is about to leave the City, or who is aged, infirm, or otherwise unable to attend

the court, may be taken *de bene esse* before the stipendiary magistrate, or before any commissioner of the supreme court of any county in such county, upon notice being given to the adverse party, that is to say, twenty-four hours' notice, and if the deposition is to be taken in any place outside of the City, twenty-four hours' notice additional for every twenty miles which the place is distant from the City.

(3.) Subpœnas may be issued to compel the attendance of any such witness, and, upon cause shown by affidavit, the stipendiary magistrate or commissioner of the supreme court may grant an order in such terms as he thinks fit to compel an unwilling witness to give his testimony *de bene esse*. C. C., s. 182.

**200.** (1.) The court shall have the same power and jurisdiction to issue subpœnas for the attendance of witnesses to give evidence on the trial of causes and for the production of anything as is possessed or exercised by the supreme court in actions in such court. Subpœnas.

(2.) If it is made to appear to the stipendiary magistrate that a witness has been duly served with a subpœna, and his fees for travel and attendance paid or tendered to him, and that such witness refuses or neglects to attend to give evidence as required by his subpœna, and that his evidence is necessary and material, such stipendiary magistrate may in addition to any powers which he possesses for the punishment of such witness, issue a warrant under his hand in the like form as is used in the supreme court directed to any police officer, constable or peace officer for the immediate arrest of such witness to be brought before the court for the purpose of giving testimony.

(3.) Any witness who has been duly served with a subpœna to attend the city court to give testimony in any action, and neglects or disobeys the command in any such subpœna, or refuses to be sworn or give evidence when in court, and any person who being in court refuses when called upon by the clerk to be sworn or give testimony, shall be liable to a penalty of not more than fifty dollars, and in default of payment, to imprisonment in the county gaol for a period not exceeding ninety days. C. C., s. 183.

#### (7.)—Procedure.

**201.** Where a party sues or defends by a solicitor practising in the City, the name of such solicitor may be subscribed to the claim or the defence or other papers in a cause requiring the same without giving the address of such solicitor. C. C., s. 184. Solicitor's name to be on papers.

Oaths—how  
administered.

**202.** Any oath required to be administered may be administered by the stipendiary magistrate or other person presiding in the court, or the clerk. C. C., s. 185.

Affidavits.

**203.** Any affidavit to be read in the court may be sworn before the stipendiary magistrate, the clerk, or any commissioner of the supreme court. C. C., s. 186.

*Viva voce*  
evidence—  
applications  
may be on.

**204.** Notwithstanding the provisions of any rule of court in force in respect to the city court requiring the use of affidavits, the court, except in the case of the affidavit for an appeal, may hear any application upon the *viva voce* testimony of witnesses instead of affidavits, in whole or in part. C. C., s. 187.

Notice or  
summons.

**205.** Any application may be made on notice of motion or summons. C. C., s. 188.

Trial may be  
ordered not-  
withstanding  
judgment.

**206.** Whenever an application is made to the court for a judgment against a plaintiff or defendant on strictly technical grounds, such application may be dismissed if it appears to the court that justice requires that the action should be tried on its merits. C. C., s. 189.

Judgment  
may be  
opened up.

**207.** Any judgment by default, whether for want of a proceeding before the trial or for non-attendance at a trial, or for any other reason, may be set aside or opened up, upon motion supported by an affidavit or *viva voce* testimony of merits, and on such terms as are just. C. C., s. 190.

Stay of  
proceedings.

**208.** The stipendiary magistrate may at any time in a summons returnable before the court, grant a stay of proceedings in respect to proceedings on execution, or in the case of an application to set aside a writ of summons or capias or other proceeding, and upon such terms as to security or otherwise as seems to him to be just. C. C., s. 191.

Concurrent  
writs.

**209.** (1.) Where there are two or more defendants residing in two or more counties, concurrent writs of summons may be issued.

(2.) If one or more of such defendants cannot be found, the action may be proceeded with and entered up against such defendant or defendants as have been served. C. C., s. 192.

No reply  
required to  
defence or  
set-off.

**210.** It shall not be necessary for a plaintiff to file or serve a reply to a set-off or counter-claim, but the material statements of fact shall be deemed to have been denied and put in issue forthwith. C. C., s. 193.

**211.** (1.) Either party may apply to the stipendiary magistrate at or before twelve of the clock of the Monday before the sittings for the trial of any cause for an order for a further and better statement of the nature of the claim or defence, or further and better particulars of any matter contained in the claim or defence requiring particulars. Further particulars.

(2.) Such order shall be served at or before three of the clock in the afternoon of the said Monday.

(3.) The party against whom the order is made shall, at or before three of the clock in the afternoon of the following Tuesday, file and serve on the opposite party such further and better statement, or such further and better particulars.

(4.) Any neglect to comply with such an order shall be attended with a stay of proceedings if the order is made against the plaintiff, and with the exclusion of evidence in respect to the set-off, counter-claim, or defence, or such part of either as such order affects, if the order is made against a defendant.

(5.) The party who has failed to comply with such an order may, upon affidavit, show any reasonable excuse for such non-compliance, and the court may grant further time for complying with the same, or may remove such stay or may permit him to give evidence, notwithstanding the failure to comply with such order, or may determine the matter as seems just. C. C., s. 194.

**212.** (1.) If a party to an action requires from the opposite party books or papers upon a trial, he shall give to that party or his agent, or solicitor, at least twenty-four hours' notice to produce the same, and if they are not produced when called for at the trial, he may give secondary evidence of the contents of the same. Notice to produce.

(2.) Proof of the service of such notice may be made upon affidavit if disputed. C. C., s. 195.

**213.** Neither party shall be at liberty to adopt the credit side of his adversary's particulars without at the same time admitting the adverse side of the account or claim as *prima facie* proved. C. C., s. 196. Adopting credits.

**214.** The court or stipendiary magistrate shall have the power to amend any proceeding therein which the supreme court or a judge thereof has to amend any proceeding in the supreme court. C. C., s. 197. Amendments.

**215.** No technical objection shall be entertained in respect to the statement of the plaintiff's account or claim, or the Technical objection not to be entertained.



defendant's grounds of defence, set off, or counter claim for any alleged defect of form. C. C., s. 198.

Non-compliance with practice.

**216.** Non-compliance with any rule of the court, or with any statutory provision in respect to practice therein for the time being in force, shall not render any proceedings void unless the court or stipendiary magistrate so orders, but such proceedings may be amended as in like cases in the supreme court or county court. C. C., s. 199.

(8.)—*Costs and Fees.*

Table of costs and fees.

**217.** (1.) The following costs and fees shall be payable, taxed and allowed in the city court, that is to say:—

(a) Fees due to the City to be prepaid to the clerk and paid over to the treasurer:—

On summons .....	\$ .40
On capias and affidavit .....	.70
Trial fee .....	1.00
On entering judgment, unless trial fee has been paid .....	1.00
Subpoena, each name .....	.10
Execution .....	.20
For services thereunder .....	.35
Serving summons or executing capias, including travel within the City .....	.35
Appeal bond, when drawn by clerk .....	.60

(b) Fees due to the City to be paid over by the marshal monthly to the treasurer:—

On all moneys collected by the marshal under execution, five per cent. ....	
On a discharge from arrest, with or without bond .....	.40
Bail bond or replevin bond .....	.40

(c) Solicitors' fees as between party and party or solicitor and client in lieu of all fees for solicitors and counsel.

In all contested actions, and upon judgment by default, where the cause of action exceeds ten dollars and the solicitor has appeared in court for the plaintiff or for the defendant ..... \$2.50

In contested actions (and in those only) whether of contract or tort, in addition to such fee for solicitor, a counsel fee not exceeding five dollars where, in the case of a plaintiff succeeding judgment is given for an amount exceeding forty dollars, and in the case of a defendant succeeding, the plaintiff has claimed against him an amount exceeding forty dollars.

(d) Witness fees for each day's attendance at the trial, fifty cents, and for travel each way per mile five cents.

(2.) Costs and fees shall be taxed and allowed by the stipendiary magistrate, and the bill shall thereupon be filed with the clerk. Taxation of costs.

(3.) Where the costs on judgment by default consist of fees for writ and entering judgment only no bill or taxation will be necessary. C. C., s. 200.

(9.)—*Judgments.*

**218.** All judgments in the court shall be entered up and signed by the stipendiary magistrate or person presiding, or by the clerk. Entry of judgments. C. C., s. 201.

(10.)—*Execution.*

**219.** (1.) Every execution shall be made returnable on the date for the next ensuing regular sittings of the court, if issued before three of the clock in the afternoon on the second Tuesday before such sittings, and if issued after that time shall be made returnable at the sittings next after such sittings. Executions.

(2.) Execution may be issued on a judgment at any time within five years from the date of such judgment.

(3.) After that period an execution may be issued thereon by an order of the stipendiary magistrate upon its being shown to him by affidavit that the judgment is unsatisfied in whole or in part. C. C., s. 202.

**220.** If a judgment is entered against two or more joint debtors, execution issued thereon may be levied on the joint or separate property of the defendants. Execution against joint debtors. C. C., s. 203.

**221.** The officer to whom an execution is delivered to be executed shall execute the same in the mode sheriffs are required by law to execute writs of execution issued out of the Officer with execution to have power of sheriff.

supreme court, and for that purpose such officer shall be deemed to be invested with all the power and authority within the City, town or county for which he is appointed, or within which he acts, which sheriffs have, possess or exercise within their respective bailiwicks. C. C., s. 204.

**Indemnity.**

**222.** An officer shall not be required to levy under an execution, or be liable to an action for not levying, upon property the right or title to which is in dispute unless or until a bond is given to him by the person requiring him to levy indemnifying him against all damages, costs and expenses for which he may become liable in consequence of such levy. C. C., s. 205.

*(11.)—Appeals.*

**Appeals.**

**223.** (1.) Any party dissatisfied with a judgment of the city court may appeal therefrom to the county court upon—

(a) filing with the clerk of the city court on or before the day following the last day of the sittings in which the judgment was given an affidavit of himself, or in his absence of his agent, stating that he is dissatisfied with the judgment and feels aggrieved thereby, and that such appeal is not prosecuted solely for the purpose of delay; and

(b) also filing, if he has given a bond on arrest, or desires a stay of proceedings on such judgment, within five days after such last day of the sittings, a bond, executed by at least two sufficient sureties, in a penal sum of not less than double the amount of the judgment, and not in any case less than twenty-five dollars, with a condition that the appellant shall prosecute his appeal and abide by and fulfil the judgment of the county court to be given on such appeal, and pay the costs accruing on the appeal, or shall, at any time before the trial, pay the judgment in the cause, together with all costs occasioned by the appeal.

(2.) Such appeal bond shall be prepared by the clerk, if so required by the party desirous of appealing.

(3.) The names of the proposed sureties shall, before filing the bond, be submitted in writing to the stipendiary magistrate to enable him to ascertain and determine their sufficiency.

(4.) If the sureties are, in his opinion, sufficient, he shall write upon the back of the appeal bond a certificate of his approval of the said bond, and shall sign such certificate. C. C., s. 206.

*(12.)—Power to Make Rules.*

**224.** The stipendiary magistrate may make rules respecting the writs, pleadings, practice and procedure in the court, and may prescribe forms of writs, pleadings, and of all other proceedings therein. C. C., s. 207.

*(13.)—Supplementary Provisions.*

**225.** Where, under a writ of execution issued out of the court under the provisions of the Collection Act, a person is arrested—

- (a) within the City or County of Halifax, or
- (b) in any place in the province outside of the county of Halifax,

he shall be conveyed to the county gaol of the county in which the arrest was made. C. C., s. 208.

**226.** Any officer whose duty it is to serve, execute or make return of any process issuing out of the court, who neglects or refuses so to do, shall be liable to a penalty not exceeding twenty dollars, and in default of payment to imprisonment for a period not exceeding thirty days. C. C., s. 209.

**227.** If process or proceedings are issued or taken inadvertently in any case in which the city court, or stipendiary magistrate, or other person acting for him, has not jurisdiction, the members and officers of the court, or any person executing the same, shall not be liable to any action of damages. C. C., s. 210.

**228.** The several forms following, or forms to the like effect, shall be deemed good, valid, and sufficient in law, that is to say:—

**A.—WRIT OF SUMMONS.**

CITY COURT, 191—.

CITY OF HALIFAX, S. S.

*To the City Marshal in and for the City of Halifax, or his Deputy, or to any of the police constables or peace officers of the said City of Halifax, or any constable in the Province of Nova Scotia:*

You are hereby commanded to summon . . . . ., of the City of Halifax, . . . . ., to be and appear before the City Court, at the City Court House, in Halifax, aforesaid on the . . . . . Wednesday of . . . . ., A. D., 191., at eleven of the clock in the forenoon, to answer to the suit of . . . . ., in the sum of . . . . . dollars and . . . . . cents.

Hereof fail not and make due return.

Issued at the City of Halifax, aforesaid, this . . . . . day of . . . . ., A. D., 191..

City Clerk in and for the City of Halifax



## B.—WRIT OF CAPIAS.

CITY COURT, 191—.

CITY OF HALIFAX, S. S.

*To the City Marshal in and for the City of Halifax, or his Deputy, or to any of the police constables or peace officers of the said City of Halifax, or any constable in the Province of Nova Scotia:*

You are hereby commanded to take the body of ....., of the City of Halifax, ....., and him safely keep so that you have him before the City Court, in Halifax, aforesaid, on the ..... Wednesday of ....., A. D., 191..., and from thence until final judgment in the action, and, if such judgment is against him, until the expiration of five days thereafter, at the suit of ....., in the sum of.....dollars and .....cents.

Hereof fail not, and have you then and there this writ with your doings thereon.

Issued at the City of Halifax, aforesaid, this ..... day of ....., A. D., 191...

.....,  
*City Clerk in and for the City of Halifax.*

## C.—NOTICE TO DEFEND—ENDORSED ON WRIT.

*To the Defendant:*

Take notice that you are required to file with the city clerk in and for the City of Halifax a statement of the grounds of your defence, and also the particulars of any set-off or counter-claim you may have to the plaintiff's claim, on or before eleven of the clock of the Saturday before the meeting of the court; and also to serve a copy of the same upon the plaintiff or his solicitor, or agent, before three of the clock of the afternoon of the Saturday aforesaid, and in default thereof final judgment may be entered for any sum not exceeding the sum claimed in the account or cause of action, with costs, on the return day of the writ; (or in case of tort), damages will be assessed against you and final judgment entered accordingly with costs on the return day of the writ.

.....,  
*City Clerk in and for the City of Halifax.*

## D.—ENDORSEMENT ON WRIT IF DEFENDANT IS OUT OF CITY.

This is to certify that the plaintiff has deposited with me before the issue of this writ the sum of ....., for mileage, as required by law.

.....,  
*City Clerk in and for the City of Halifax.*  
Halifax, N. S., ....., 191...

## E.—ENDORSEMENT ON CAPIAS.

*Allowed for the sum of ..... Dollars and ..... Cents.*

.....,  
*Stipendiary Magistrate in and for the City of Halifax.*

## F.—AFFIDAVIT FOR CAPIAS.

CITY COURT, 191—.

CITY OF HALIFAX, S. S.

I, ....., of the City of Halifax, ....., make oath and say that ..... is justly and truly indebted to ..... in the sum of .....dol-

lars and ..... cents due for ....., and also that the cause of action herein originated in the City of Halifax (or that the defendant resides within the City of Halifax) and that the said ..... is now within the County of Halifax; and I further say that I have probable cause for believing, and do believe, that the said ..... is about to leave the province, and I believe that unless the said ..... is forthwith arrested the debt will be lost.

Sworn to at Halifax, this  
..... day of

A. D., 191...

Before me,

.....  
*Stipendiary Magistrate in and for the City of Halifax.*

#### G.—BOND ON ARREST.

CANADA,  
PROVINCE OF NOVA SCOTIA,  
CITY OF HALIFAX,  
S. S.

IN THE CITY COURT, 191...

BETWEEN—

....., Plaintiff,  
and  
....., Defendant.

*Know all Men by these Presents*, That we, ....., of the City of Halifax, ....., of the City of Halifax, ....., and ....., of the City of Halifax, ....., are held and jointly and severally bound unto ....., of the City of Halifax, in the Province of Nova Scotia, in the sum of ..... to be paid to the said ....., his lawful attorney, heirs, executors, administrators, or assigns, for which payment well and truly to be made, we bind ourselves, our and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals and dated at the City of Halifax, aforesaid, this ..... day of, ..... in the year of our Lord one thousand nine hundred and .....

*Now the condition of this Obligation* is such that if within five clear days after final judgment in this action an order is made under the "The Collection Act" for the appearance of the said ..... (*the defendant*) at an examination to be held thereunder, and the said order for his appearance has been served upon him or upon his sureties, or either of them, or upon his solicitor, at least five clear days before the time fixed in such order for his appearance, then if the said ..... (*the defendant*) appears at such examination in obedience to such order, or at such adjournment of such examination as is granted upon the application of his sureties, or his solicitor in his absence, or of the plaintiff, and surrenders himself to prison in case of an adjudication of imprisonment under "The Collection Act," then this obligation shall be void, otherwise to remain in full force and effect.

Signed, sealed and delivered in  
the presence of

..... (Seal).  
..... (Seal).  
..... (Seal).

## H.—SUBPOENA.

CITY OF HALIFAX, S. S.

To.....,

*of the City of Halifax:*

You are personally to be and appear before the city court, at the city court house, in Halifax, on the .....day of .....A. D. 191..., at ..... o'clock in the .....noon of the same day: Then and there to testify all and singular, what you know in a certain cause now pending; and on that day to be tried, between ..... plaintiff, and ....., defendant, on the part of the ..... And this you are not to omit, on penalty of FORTY DOLLARS.

Dated at Halifax, this ..... day of ....., A. D., 191...

BY THE COURT.

*City Clerk in and for the City of Halifax.*

(Return of service to be endorsed).

## I.—EXECUTION.

CITY COURT, 191—.

CITY OF HALIFAX, S. S.

To the City Marshal in and for the City of Halifax, or his Deputy, or to any of the police constables or peace officers of the said City of Halifax, and to any constable in the Province of Nova Scotia:

WHEREAS, on the .....day of ....., 19..., judgment was entered up in the city court against ..... at the suit of ..... of ..... for the sum of ..... dollars and ..... cents, and ..... dollars and ..... cents more for costs, these are to command and require you to levy from off the goods and chattels of the said ..... the said sums making together ..... dollars and ..... cents, with your fees.

Herein fail not and make return of this writ, with your doings thereupon, on the .....Wednesday of ....., A. D. 191...

Issued at the City of Halifax, aforesaid, this .....day of ....., A. D., 191...

*City Clerk in and for the City of Halifax.*

(On margin).

Levy for  
Debt, \$  
Costs,

\$

Ex.

## J.—EXECUTION UNDER COLLECTION ACT.

IN THE CITY COURT, 191...

CITY OF HALIFAX, S. S.

BETWEEN—

....., Plaintiff,

AND

....., Defendant.

GEORGE V. BY THE GRACE OF GOD: OF THE UNITED KINGDOM, &amp;C., KING, &amp;C.

To the City Marshal in and for the City of Halifax, or his Deputy, or to any of the police constables or peace officers of the said City of Halifax, or any constable in the Province of Nova Scotia, and to the keeper of any of our common gaols:

WHEREAS, ..... by the consideration of our city court at Halifax, in the County of Halifax, on the .....

..... day of ..... A. D., 191..... recovered judgment  
 against ....., of ..... in the County of  
 ..... for the sum of ..... dollars and  
 ..... cents debt, and the sum of ..... dollars and  
 ..... cents cost of suit;

And whereas, an order has been made for the issue of an execution  
 upon such judgment to take the body, under "The Collection Act."

We command you therefore to take the body of the said .....  
 and commit unto our common gaol for your county, and I command you  
 the keeper of our said common gaol, him to detain in your custody within  
 our said gaol, until he pays the full amount due on the judgment, with the  
 fees indicated in the margin, or that he be discharged by the said.....  
 ....., the creditor, or otherwise, according to law.

Whereof fail not, and make due return of this writ unto our said city  
 court at Halifax, in the County of Halifax.

Issued at Halifax, in the County of Halifax, this ..... day of  
 ....., A. D., 191..

*City Clerk in and for the City of Halifax.*

.....  
*Solicitor of* .....

(On margin).

Debt, ..... \$

Costs, .....  
 \_\_\_\_\_

Execution, .....

Comm'r's Fees, ...

Ex. to arrest, ...  
 \_\_\_\_\_

#### K.—APPEAL BOND.

IN THE CITY COURT, 191...

BETWEEN— { ..... , Plaintiff,  
                   { and  
                   { ..... , Defendant.

Know all Men by these Presents, That we, .....  
 ....., are held and firmly bound to ..... in the  
 sum of ..... dollars and ..... cents, to be paid to  
 the said ....., his certain attorney, executors,  
 administrators or assigns, for which payment we bind ourselves, and every  
 of us, by himself, our and every of our heirs, executors and administrators,  
 firmly by these presents, sealed with our seals and dated at Halifax, this  
 ..... day of ..... 191..

Whereas, a certain cause between the above bounden .....  
 ....., and the above named ....., in which  
 the said ..... was ..... was tried before the  
 city court on the ..... day of ..... and  
 judgment was given in favor of the said ..... for  
 the sum of ..... debt and costs, and an appeal therein  
 has been demanded on behalf of the said .....

Now the Condition of the above Obligation is Such, That if the said...  
 ....., at the next sitting of the County Court for  
 the County of Halifax, shall duly prosecute his said appeal, and shall proceed  
 therein to final judgment, and shall abide by and fulfil the judgment  
 of said court, to be given on such appeal, and pay the amount of the said  
 judgment and all costs accruing on the appeal, or shall, previous to the  
 first day of the sitting of such court, pay the full amount of judgment in  
 such cause, together with the costs occasioned by the appeal, then the  
 above obligation is void.

Signed, sealed, and delivered  
 in presence of

..... (Seal).  
 ..... (Seal).  
 ..... (Seal).



## POLICE COURT.

Police Court.

**229.** The police court or court of the stipendiary magistrate for the City of Halifax heretofore established under the name of the "police court" or "police office," is hereby continued, and the stipendiary magistrate from time to time for the said City shall continue to execute his duties as such stipendiary magistrate at the said police court. C. C., s. 212.

*(1.)—The Stipendiary Magistrate.*Stipendiary  
or deputy to  
attend.

**230.** The stipendiary magistrate or, in the cases herein before provided for where the deputy-stipendiary magistrate may act, the deputy-stipendiary magistrate, shall attend at such police court daily, or at such times and for such periods as is necessary for the disposal of the business brought before him as a stipendiary magistrate, police magistrate or justice of the peace. C. C., s. 213.

*(2.)—The Clerk.*Clerk—  
duties of.

**231.** (1.) The clerk shall have the custody of the papers and records of the said court.

(2.) He shall, whenever any criminal charge or complaint is made, whether constituting a breach of any statute or of any by-law, ordinance, resolution or regulation in force in the City punishable on summary conviction, prepare for the person making such charge or complaint such written complaint or information as is applicable to the case, subject to the supervision of the stipendiary magistrate.

(3.) He shall keep in his office a book to be called the "police record book," in which shall be set down the names of all persons against whom charges are made before the stipendiary magistrate, the name of the person laying the information, if any, the offence, and the manner in which, and the person by whom, the said charge is disposed of.

(4.) It shall not be necessary for the stipendiary magistrate to be attended by a clerk when sitting. C. C., s. 214.

*(3.)—Procedure before the Stipendiary Magistrate.*Summary  
Convictions  
Act to apply.

**232.** (1.) In every case in which a fine, penalty or imprisonment is prescribed by any provision of this Act, or of any act which is hereafter passed in amendment thereof, or of any act of the legislature now or hereafter in force in the City, or of any ordinance, by-law, or regulation in force in the City, and it is not provided in any such act, ordinance, by-law, or regulation in what manner or by what procedure such fine, penalty or imprisonment may be recovered or enforced, such fine, penalty or imprisonment may be recovered or enforced

upon summary conviction before the stipendiary magistrate for the City, or other person acting for him, as if the same were so expressly declared in such act, ordinance, by-law, or regulation, under the provisions of the Nova Scotia Summary Convictions Act.

(2.) Subject to any special provision otherwise enacted, the Nova Scotia Summary Convictions Act shall apply—

- (a) to every case in which any person commits, or is suspected of having committed, any offence or act for which such person is by any provision of any such act, ordinance, by-law, or regulation liable to imprisonment, fine, penalty or other imprisonment;
- (b) to every case in which a complaint is made to such stipendiary magistrate, or other person acting for him, in relation to any matter in respect to which any stipendiary magistrate, police magistrate, or a justice or justices of the peace has authority to make any order for the payment of money or otherwise.

(3.) Notwithstanding any of the provisions of this section, Variations to Summary Convictions Act. or of the Nova Scotia Summary Convictions Act, the following variations therefrom or provisions shall apply and have effect:

- (a) Any person arrested without warrant shall be forthwith delivered to the custody of the policeman in charge of the police station, in order that such person may be detained until he can be brought before the stipendiary magistrate to be examined and dealt with according to law, and shall not be detained in custody without the order of such stipendiary magistrate longer than is necessary for bringing him before such stipendiary magistrate, or than forty-eight hours at the utmost.
- (b) A policeman, upon taking a prisoner into custody without a warrant, shall forthwith enter in a book to be kept at the police station for the purpose, called "The police charge book," the offence with which the defendant is charged, which shall take the place of an information or complaint.
- (c) Upon the charge so entered, the prisoner may be tried by the stipendiary magistrate, who shall nevertheless have power to amend the same to meet the evidence or to substitute a formal complaint or information, but in any case the verbal statement under oath, made by the policeman in giving his evidence, shall be deemed a sufficient complaint.
- (d) Where any person accused of any offence or act for which he may be arrested without a warrant is before

the stipendiary magistrate, whether voluntarily or after being apprehended without a warrant, the stipendiary magistrate may proceed to inquire into the matters charged against such person under the provisions of the Summary Convictions Act as if proceedings had been taken to effect his appearance.

- (e) Whenever such person is without a warrant in the custody of any policeman in charge of the police station or lock-up during the time when the stipendiary magistrate is not in attendance, the chief of police or deputy if he deems it prudent, may take the recognizance of such person, with or without sureties, conditioned for the appearance of the person thereby bound at the next sitting of the stipendiary magistrate, the time and place thereof to be specified in the recognizance.
- (f) Every recognizance so taken shall be without fee or reward, and shall be returned to the stipendiary magistrate at the time and place where the accused is bound to appear.
- (g) It shall be of equal obligation upon the parties entering into the same, and liable to the same proceedings for the estreating thereof, as if the same had been taken before the stipendiary magistrate, and if the accused does not appear at the time and place required, the stipendiary magistrate may enlarge the same, or may issue a warrant, or may certify upon the back of the recognizance such non-appearance, and transmit the same as in other cases.
- (h) It shall not be necessary in any prosecution for an offence under any ordinance or by-law to charge a violation thereof in technical language, and it shall be sufficient to charge that the person violated the same and mention the same by section or number in the information, summons or conviction.
- (i) It shall not be necessary in any conviction imposing any fine, penalty or imprisonment to set forth the information, or the appearance or non-appearance of the accused.
- (j) Instead of a summons to witnesses, a subpœna in the form heretofore in use, to be signed by the clerk, may be used, which shall have the same force and effect as a summons.
- (k) It shall not be necessary to prepay to witnesses for the prosecution witness fees, and they shall not be entitled to recover any unless the stipendiary

magistrate, in any order or conviction awarding costs against the accused, directs witness fees to be paid, and the same are paid.

(l) It shall not be necessary for the stipendiary magistrate to make any returns of convictions made before him to the clerk of the county court or other court, but such convictions shall be filed in the office of the clerk, and a copy of any such conviction certified by him shall be evidence thereof in any court upon the trial of any cause.

(m) The following fees, instead of those provided for by the Summary Convictions Act, shall be received by the clerk for the use of the City:—

For information or complaint.....	\$0.20
For each warrant or summons....	.50
For each necessary copy of a summons or warrant.....	.10
On service or execution of any process .....	.25
On a recognizance.....	.25
On a conviction or order.....	.20
Warrant of commitment.....	.20
Subpœna or summons for witness, each name.....	.10

(n) In a case for witness fees, each witness shall be entitled to receive for each day's attendance fifty cents, and for necessary travel each way per mile five cents. C. C., s. 215.

**233.** For the purpose of making any arrest, every person shall be bound on request to obey the mayor, stipendiary magistrate, or any controller or alderman, and to assist any police constable, and every one who refuses so to do shall be liable to a penalty of not less than two dollars nor exceeding twenty dollars, and in default of payment to imprisonment for a period of not less than five nor more than twenty days. C. C., s. 216.

Assistance to  
police making  
arrest.

#### GENERAL PROVISIONS AS TO CITY AND POLICE COURTS.

**234.** The office of the clerk shall be open for the issue of process in the city court and police court, and for receiving complaints in criminal cases generally, on every week day from ten o'clock in the morning until three o'clock in the afternoon, except Sundays and statutory or other public holidays, and except on Saturdays, when it may be closed at one o'clock in the afternoon. C. C., s. 217.

Office hours  
of clerk.



Fines and fees  
to belong to  
City.

**235.** All fees and all moneys for fines and penalties for the violation of any act of the legislature or any ordinance, by-law, or regulation, received or recovered in the city court or police court shall, unless otherwise provided, form part of the general revenue of the City, and the clerk shall receive and make a return and payment of the same once every month to the treasurer. C. C., s. 218.

No fee to be  
taken by  
gaoler.

**236.** No fees shall be demanded or received by any gaoler or his subordinates in respect to any prisoner upon process or execution issued out of the city court or police court, or from any prisoner committed by either of such courts, or by the stipendiary magistrate. C. C., s. 219.

Territorial  
jurisdiction of  
Courts.

**237.** (1.) For the purposes of this section "Halifax Harbor" shall be deemed to extend as far towards the ocean as a line drawn from Manger's Beach to Ferguson's Cove, and to include MacNab's Island and Lawlor's Island and the Narrows, and the portion of Bedford Basin intended to be included within its provisions shall be that portion of the said Basin adjoining to the City of Halifax, but extended into the waters of the Basin five hundred feet from low water mark.

(2.) The jurisdiction of the city court and the court of the stipendiary magistrate known as the "police court," and the powers of the constables of the City of Halifax shall extend into and cover all acts, matters and things, civil and criminal, done within the limits of the following area, that is to say:—Halifax Harbor, South-East Passage, including McNab's Island and Lawlor's Island, the North-West Arm and Bedford Basin, the Sir Sanford Flemming Park on the western side of the North-West Arm, and the wharves, slips, docks, and landings therein, provided such acts, matters and things if done within the limits of the City would be within such jurisdiction and powers respectively.

(3.) The process, civil and criminal, which such courts and stipendiary magistrate may issue, and any officer thereof may execute, may run into and be executed within the said area. C. C., s. 220, 1910, c. 47, s. 11.

#### CERTAIN OFFENCES.

Certain pro-  
visions of Act  
of 1864 to  
remain in  
force.

**238.** (1.) The following provisions being part of section 134, sections 135, 136 and 143, part of section 223, sections 226, 229, 231, 232 and 233 of chapter 81 of the Acts of 1864, entitled, "An Act concerning the City of Halifax," in so far as they have not been superseded or repealed by any statute of the parliament of Canada, are, subject to the amendments and provisions in this section contained, hereby in so far as the

legislature of Nova Scotia has power to enact the same, re-enacted and declared never to have been repealed notwithstanding anything purporting to be provincial legislation, that is to say:—

- “134. All persons violating the Sabbath by carrying on any game, play or pastime to the annoyance of their neighbors or the public . . . and all persons who may have been found drunk or disorderly in the streets, and all persons imbecile in mind, or incapable of taking care of themselves, may be sent to the city prison by the mayor or any alderman for a period not to exceed ten days for the first offence, and may on any subsequent conviction be imprisoned by the same authority for a period not exceeding ninety days, and in cases of imbecile persons . . . for a period not over one year; and the mayor or any alderman may, in lieu of imprisonment, impose a fine not exceeding five pounds in any such cases.” Sunday violators—persons drunk or imbecile.
- “135. The city constables shall arrest such persons and bring them before the mayor or alderman. If the arrest occurs after three o'clock in the afternoon, or upon Sunday, or a holiday, the prisoners may be kept in the lock-up house until the hour of eleven in the forenoon of the subsequent day” Arrest and detention.
- “136. The mayor or alderman on being satisfied by inspection, confession or proof, that the persons so arrested ought, whether for their own benefit or that of others, not to be at large, may sentence them respectively to such imprisonment in the city prison with or without hard labor.” Punishment.
- “143. The mayor and any one of the alderman holding the police court shall have power, on the sworn complaint of the master, to arrest any seaman of a British, provincial or foreign vessel who, having signed regular articles and not being duly discharged therefrom, shall wilfully absent himself from his vessel, and after hearing both parties, if he find the complaint well founded and just, to compel the seaman to return to duty if requisite, also to send him to gaol until the vessel is ready for sea and give the aid of the police constables in carrying him on board of his vessel. The affidavit on which to ground the proceeding shall be made before the mayor or presiding alderman at the police office, and the warrant to arrest shall be granted by the mayor or presiding alderman, and on the hearing of the complaint, the Foreign seaman absenting may be sent aboard.

ship's articles must be produced and proved by the master or complainant, or a sufficient excuse rendered for the non-production."

Selling fire  
crackers.

"223. If any person shall sell, or expose for sale, in the City of Halifax, any crackers or fireworks, whereby the peace of the citizens may be disturbed or to the annoyance of citizens, he shall forfeit and pay a penalty of not less than forty shillings nor more than ten pounds, or in event of non-payment, shall be imprisoned for not less than ten days nor more than ninety days."

Arrest with-  
out warrant.

"226. Any person offending against the provisions of this chapter may be arrested on view by any police officer present at the commission of the offence, or by any person thereto verbally authorized by any alderman or justice of the peace present thereat, and such offender shall thereupon be committed to the county gaol until he shall find security to the satisfaction of an alderman or justice of the peace for his good behaviour, and to pay any fine or penalty that may be imposed upon him on any prosecution for such offence."

Profane  
cursing.

"229. Any person profanely cursing or swearing in the hearing of the mayor or alderman, or any peace officers, who shall be convicted thereof, shall forfeit not less than one dollar nor more than eight dollars for the first offence, and for a second offence double, and for a third offence treble that sum, and in default of payment shall be committed to gaol for a term of not less than two days nor more than ninety days."

Unnecessarily  
discharging  
firearms.

"231. If any person shall unnecessarily discharge any firearms within the City of Halifax, or within one hundred yards of any person riding or driving, he shall forfeit not less than two dollars nor more than eight dollars on summary conviction before the mayor or presiding alderman at the police office, and in default of payment shall be imprisoned not less than twenty-four hours nor more than ten days."

Fireworks and  
bonfires.

"232. If any person shall wantonly throw any fireworks or permit the same to be thrown into any street, thoroughfare or passage, or into any building, or shall make any bonfire within one hundred yards of any building, he shall for every offence forfeit eight dollars, and in default of payment shall be imprisoned for a period not exceeding fourteen days."

Prosecutions,  
when com-  
menced.

"233. Prosecutions under the two preceding sections of this chapter must be commenced within eight days after the offence committed."

(2.) Such provisions are hereby amended as follows, that is to say:—

- (a) The court of the stipendiary magistrate for the City of Halifax, known as the police court, as at present constituted, organized and maintained with its officers, is hereby constituted a court having the power, authority and jurisdiction of the police court at the time when the said Act of 1864 was passed, whether presided over by the mayor or an alderman, or otherwise, and the authority, power and jurisdiction of the said court and of the mayor or any alderman under the said provisions are hereby transferred to and vested in the said police court as at present constituted, organized and maintained, and the said stipendiary magistrate respectively, and such police court, with its officers, and such stipendiary magistrate, shall carry out the said provisions. Stipendiary given jurisdiction.
- (b) The like proceedings shall and may be had for recovering and enforcing the penalties and punishment mentioned in such provisions, compelling the attendance of parties or witnesses, hearing the complaint and for the conduct of the court, the taking and estreating of recognizances, and the infliction of the punishment and otherwise in respect thereto as under the Criminal Code 1906, and the amendments thereof, might be had if the penalty or punishment had been imposed by a statute of Canada, and in respect to such penalties and punishment the Nova Scotia Summary Convictions Act shall be deemed to be amended and varied so that its provisions and the provisions of the said code and amendments may be identical. Procedure.
- (c) The pecuniary penalties and fines mentioned in such provisions shall be deemed to have reference to the currency of the province as it was previously to the year 1864, and not to the present currency of Canada, and the equivalents in the said currency of Canada of the maximum and minimum penalties therein mentioned shall be computed and taken into account by the stipendiary magistrate in imposing any penalty or fine under the said provisions. Penalties of 1864 to be in present currency.
- (d) In respect to persons imbecile in mind, or incapable of taking care of themselves, but who are not criminals under the criminal law, such persons, instead of being subjected to fine, penalty or imprisonment, may be handed over to some responsible person who will answer for their care, or to be dealt with according to the laws of the province applicable to insane persons or paupers, as the case may be. Imbeciles, how dealt with.



Stipendiary  
to be a court  
under Mer-  
chant Shipping  
Act.

(e) In respect to vessels other than foreign vessels, the said provisions having become superseded, it is hereby enacted that the stipendiary magistrate shall, under the provisions of the Merchant Shipping Act, 1894, of the United Kingdom, and the provisions of the Seaman's Act of Canada, be deemed to be a court capable of taking cognizance of cases of seamen neglecting or refusing to join or proceed to sea in any ship in which they are engaged to serve, and to which the said Acts are respectively applicable, or deserting or being absent from such ship without leave. Nothing in this paragraph (e) contained shall be deemed to affect the construction of any general provision in the said Acts or in any Act of this province conferring jurisdiction upon the said stipendiary magistrate. C. C., s. 221.

Drunken  
persons in  
public places.

**239.** Every person who while in a drunken condition is found sleeping or reposing on the Common or Citadel, or in Point Pleasant Park, the Sir Sandford Fleming Park, or in any other park or public square of the City may be forthwith taken into custody by a police officer, and shall be liable to a penalty not exceeding ten dollars, or in default of payment to imprisonment for a period not exceeding one month. 1908, c. 75, s. 8.

#### PRISONS AND REFORMATORIES.

##### (1.)—*The City Prison.*

City Prison.

**240.** (1.) The city prison, erected on the Rockhead Farm; pursuant to chapter 46 of the acts of the province for 1854, is hereby continued and shall be deemed to constitute a lawful place for the imprisonment of any person who, before the coming into force of this Act, might be imprisoned there, or who may by this Act be imprisoned there.

(2.) It is declared, but not so as to restrict the generality of the foregoing provisions of this section, that the said city prison shall be deemed to be a common gaol for the said City, and a lawful place of imprisonment for any offender committed or sentenced by any court, judge, or magistrate in the said City under any of the following provisions:—

(a) Any provision of the parliament of Canada under which an offender might be imprisoned in the county gaol at Halifax.

(b) Any provision of any act of the parliament of Canada or the legislature of this province, or any provision made under the authority of such an act, under which imprisonment in default of payment of a penalty or imprisonment in any event may be imposed.

(3.) Wherever by virtue of any such provision any term of imprisonment is provided and no other place of imprisonment is expressly mentioned, the place for such imprisonment may be the said city prison, or the common gaol for the County of Halifax, at the option of the court, judge, or magistrate committing or sentencing the prisoner.

(4.) The City may agree with the municipality of Halifax for the cost of maintaining any prisoner so confined in the said prison at Rockhead.

(5.) In all sentences, convictions or commitments, the expression "city prison," or an expression to the like effect, shall mean the said city prison. C. C., s. 222.

**241.** Prisoners detained in the city prison shall be kept at work, except when they are ill or infirm. C. C., s. 223. Prisoners to be given work.

**242.** The earnings of the prisoners shall belong to the City. C. C., s. 224. Their earnings to go to City.

**243.** The Council, on the recommendation of the Board of Control, may from time to time, by ordinances or by-laws, make regulations respecting— Ordinances— Council may regulate prison by.

(a) the government and administration of the city prison, its records, accounts, and expenses;

(b) the keeper, officers and servants employed there;

(c) the lodging, food, raiment, drink, health and safety of the prisoners therein, and the punishment of refractory prisoners, the periods and hours of labor and repose of prisoners, their classification and their religious or moral instruction, and the visitors who may be admitted, and

(d) the inspection of the establishment so that the same may be regular and periodical. C. C., s. 225.

(2.)—*The City Juvenile Reformatory.*

**244.** The Council may appropriate such portion of the city prison building at Rockhead as it deems sufficient to the use of juvenile offenders, to be called the "city juvenile reformatory," and in such manner that the said juvenile offenders may be entirely isolated from the adult prisoners, both within the prison and while at any outdoor work. C. C., s. 226. Juvenile Reformatory.

**245.** The stipendiary magistrate may sentence any offender under the age of eighteen years, convicted of any offence within the legislative authority of the legislature Power to sentence to.

which he has power to determine, to such term of detention in the city juvenile reformatory, not exceeding three years, as seems proper; but the stipendiary magistrate shall have the power to remit the sentence, or any part thereof, on what may subsequently appear to be a sufficient reason for such remission. C. C., s. 227.

Ordinances  
respecting.

**246.** The Council, on the recommendation of the Board of Control, may, by ordinance, make such regulations for the employment, reformation and instruction in a useful trade or calling of juvenile offenders detained in the city juvenile reformatory as are from time to time deemed proper. C. C., s. 228.

(3.)—*Reformatories for Boys and for Girls, or Women.*

Reformatories  
for boys, girls  
and women.

**247.** (1.) Whenever any boy who is a minor, apparently under the age of eighteen years, is convicted by the stipendiary magistrate of any offence for which by any act of the legislature or any provision made under the authority of any such act, he is liable to imprisonment, whether in default of a penalty or otherwise, the stipendiary magistrate may sentence or commit such boy to detention for any term not exceeding five years, and not less than one year—

(a) in the Halifax Industrial School, if he is a Protestant, and

(b) in the Saint Patrick's Home at Halifax, if he is a Roman Catholic.

(2.) The provisions of this section are subject—

(a) to the like conditions as those enacted by the parliament of Canada and in force from time to time in respect to the said institutions respectively and the detention of juvenile offenders therein for any offence under the statutes of the parliament of Canada, and

(b) to the provisions of any act of the legislature respecting imprisonment in such reformatories respectively not inconsistent with the said conditions. C. C., s. 229. See Acts 1902, c. 13 (Canada).

Roman Cath-  
olics, where  
may be sent.

**248.** (1.) Any girl or woman, being a Roman Catholic, who is convicted before the stipendiary magistrate under any act of the legislature, or under any provision made under the authority of such act, may be sentenced or committed to detention in the Good Shepherd Reformatory or the Good Shepherd Industrial Refuge, under the control of the corporation of the Sisters of the Good Shepherd, subject to the provisions of any act in force in respect to detention therein.

(2.) Any girl or woman, not being a Roman Catholic, who is convicted before the stipendiary magistrate under any act of the legislature, or under any provision made under the authority of any such act, of any offence for which she is liable to imprisonment, whether in default of payment of a penalty or otherwise, may be sentenced or committed by such stipendiary magistrate to be detained in any reformatory institution for girls or women, whether incorporated or not, which may hereafter be recognized as such by order of the Governor-in-Council, if she is above the age of fourteen years, for such term not exceeding the term of imprisonment provided by the act or provision as to such stipendiary magistrate appears proper, and if below such age, for any term not exceeding five years, as to such stipendiary magistrate appears proper.

Protestants.

(3.) Where the offence is against any statute of the parliament of Canada, or one over which the parliament of Canada has legislative authority, and owing to the girl or woman being over sixteen years of age or otherwise the provisions of chapter 55 of the Acts of the Parliament of Canada 1908 do not apply, and the stipendiary magistrate is of opinion that such girl or woman is a proper person to be detained in a reformatory institution, and that he would not in the ordinary course sentence her to imprisonment for a term of two years or upwards in a common gaol or the city prison, he may, with the consent of the girl or woman and of the authorities of the reformatory institution, sentence or commit her to detention in the appropriate institution according to her religion as defined in this section for any term less than two years, such detention to be substituted in such cases for imprisonment in the county gaol or city prison. C. C., s. 230.

Girls sent to reformatory instead of penitentiary, when.

**249.** The Council is authorized to pay to the corporation or other authority having control of the Halifax Industrial School and the Saint Patrick's Home at Halifax, in respect to any boy, sentenced or committed to either of the said institutions, a sum of sixty dollars per annum, or at that rate for a shorter period, for his support therein. C. C., s. 231.

Council may pay for boys sent to reformatories.

**250.** When by any act of the legislature the City is bound to contribute any sum of money towards the support and maintenance of offenders sentenced to any reformatory in the City, the Council shall by resolution fix the limit of the total amount which it is to pay annually to each institution for such offenders. C. C., s. 232.

May limit amount of payments.



(4.)—*The Lock-up House.*

Lock up.

**251.** (1.) The Council shall continue to maintain the lock-up house at present established in the city building at Halifax, or such other lock-up house in lieu thereof, or in addition thereto, in any part of the City, as it determines.

(2.) Any person arrested or held upon any warrant issued by the stipendiary magistrate, or any stipendiary magistrate or justice or justices of the peace, or on any process with respect to any criminal matter, or arrested without warrant for any offence for which arrest without warrant may be made, may be detained in any such lock-up pending the hearing and determination of the charge or matter with respect to which he is arrested or held, or pending his transmission to any lock-up house or common gaol for such hearing and determination.

(3.) Any person ordered or directed to be imprisoned by any conviction or commitment may be detained in such city lock-up house until he can conveniently be removed to a common gaol, or any prison or reformatory.

(4.) Any person arrested in any civil action or proceeding may be detained in the said lock-up house until he can conveniently be removed to a common gaol, but no such detention shall be for a longer period than forty-eight hours.

(5.) Any person who may lawfully be kept for a reasonable time in the custody of any peace officer with or without a warrant or other process, may instead be kept locked up for such reasonable time by him in any such lock-up house to prevent his escaping.

(6.) This section shall not be deemed to restrict any other provision of law permitting any person to be detained in the said lock-up house. C. C., s. 233.

## THE POLICE.

(1.)—*Government.*

Police to be under Board of Control.

**252.** The police force of the City shall be under the government of the Board of Control. B. C., ss. 15, 19.

Board may examine on oath.

**253.** (1.) The Board of Control in the administration of its duties in relation to the police, shall have power to summon witnesses and to examine them upon oath.

(2.) The service of a notice to attend signed by the mayor shall have the same force and be attended with the same result for disobedience thereof as a subpoena issued in the city court. C. C., s. 235.

*(2.)—Chief of Police.*

**254.** (1.) The Chief of police shall have under his direction and control the deputy-chief of police, the sergeants of police, and all other police constables constituting the police force of the City. Chief of Police.

(2.) He shall be responsible for the peace quiet and good order of the City.

(3.) He shall obey any lawful order of the mayor or of the stipendiary magistrate given at any time in the execution of their respective offices.

(4.) He shall serve or execute, or cause to be served or executed, all writs, orders, warrants or other process of the police court, or stipendiary magistrate.

(5.) He shall within the City have all the powers and authority in all matters criminal, and in cases of breach of the peace, and for preserving the peace quiet and good order, and the business thereof, which a sheriff by law has within his bailiwick and a constable has within his constablewick.

(6.) He shall, by himself or his deputy, attend the sittings of the Council, and shall at all times be ready to carry out the orders of the mayor or stipendiary magistrate.

(7.) He shall on all occasions aid in the preservation of the peace of the City, and the observance of all laws in force therein, and shall perform and discharge such other duties as are prescribed by ordinance of the Council.

(8.) The salary of the chief of police shall be one thousand five hundred dollars a year.

(9.) It shall not be necessary that the chief of police has previously to his appointment as such been a member of the police force. C. C., ss. 122, 236. 1908, c. 75, s. 11. 1913, c. 69, s. 1.

*(3.)—Detectives.*

**255.** (1.) The Board of Control shall from time to time appoint a detective who shall hold office during pleasure. Detectives.

(2.) The salary of such detective shall be nine hundred and fifty dollars a year.

(3.) He shall be a provincial constable and shall have the powers and privileges of a constable throughout the province, and shall be subject to the orders of the chief of police and ready at all time to take prompt action in the detection of criminals, the recovery of stolen property, and such other police service as he is required to perform in connection with his duties as a constable.

(4.) He may, by permission of the chief of police, engage in detective work for persons and authorities other than the City, but his remuneration in respect thereto shall belong to the City, and form part of the Police Superannuation Fund.

(5.) The Board of Control may, from time to time, appoint a member of the police force to be an assistant detective, who shall hold office during pleasure. Any such assistant detective shall perform the duties, and have the powers and privileges of the detective, and any remuneration paid to him, other than his salary, shall be disposed of as provided in respect to the detective.

(6.) The salary of such assistant detective shall be eight hundred and fifty dollars a year. C. C., s. 237. 1908, c. 75, s. 11. 1913, c. 69, ss. 4, 5.

*(3.)—Other Members of the Regular Police Force.*

Marshal,  
deputy chief  
and con-  
stables.

**256.** (1.) The Board of Control shall, from time to time, appoint as many constables to constitute a police force for the City as the Council on the recommendation of the Board from time to time determines to be necessary, who shall hold their employment at the pleasure of the Board.

(2.) A marshal, a deputy-chief of police, and as many sergeants of police as the Council thinks necessary, shall be appointed by the Board of Control from among the other constables on the force.

(3) The deputy-chief of police shall, in the absence from the City, the illness or other incapacity of the chief of police, have his powers and privileges and shall perform his duties, and at all times he shall be subject to the lawful directions of the chief of police, and shall assist in the discharge of the duties required of the chief of police, and for such purposes shall have the like powers.

Office of  
marshal to  
be abolished.

(4) Upon the resignation, superannuation, dismissal or death of the present holder of the office of City Marshal the office shall be abolished and the duties thereof performed by the ordinary members of the police force under the direction of the Chief of Police. C. C., s. 238, 241. 1913, c. 69, s. 6.

*(4.)—Remuneration.*

Remuneration  
of police.

**257.** (1.) The remuneration of the said members of the police force shall be as follows:—

Deputy-Chief—One thousand dollars a year.

Marshal—Eight hundred and fifty dollars a year.

Sergeants—Seven hundred and eighty-five dollars a year.

Privates—Five hundred and thirty-five dollars for the first year, six hundred and thirty-five for the second year and six hundred and eighty-five for the third and subsequent years.

(2.) In addition to the above mentioned sums the members of the force shall be provided with such suits of uniform as the Board considers necessary. 1908, c. 75, s. 12. 1913, c. 69, ss. 3, 6, 7.

(5)—*Physical Requirements.*

**258.** (1.) No person shall be appointed a constable who <sup>Physical requirements.</sup> at the time of application—

- (a) is over thirty years of age, or
- (b) is less than five feet nine inches in height, or
- (c) has a chest measurement less than thirty-seven inches with one-half inch additional for every inch in height above six feet.

(2.) The applicant shall produce to the Board of Control for its approval—

- (a) a satisfactory certificate of the date of his birth, or in the absence of any church or official registry thereof, a statutory declaration of the parent or other person having knowledge of such date, and
- (b) a certificate of the medical officer as to the measurements required by this section and that the applicant is in good health and in full possession of all his faculties. C. C., s. 239.

**259.** (1.) All constables shall be subject to the govern- <sup>Government and duties of force.</sup> ment of the Board, and they shall obey all lawful directions—

- (a) of the chief of police or deputy-chief of police; and
- (b) of the stipendiary magistrate given by him for the due execution of the duties connected with his office.

(2.) They shall be charged with the duty of—

- (a) preserving the peace;
- (b) preventing offences against persons or property within the City and all crimes and offences;
- (c) apprehending offenders,

and shall have generally all the powers and privileges and be liable to all the duties and responsibilities which belong by law to constables duly appointed. C. C., s. 242.

**260.** (1.) The police force shall be inspected by the <sup>Inspection.</sup> mayor at such hour as he directs—

- (a) on the first Monday of each month, and
- (b) on such other dates as he directs.



(2.) Any constable who neglects to appear in uniform, or who appears negligently dressed, shall be liable to a fine not exceeding two dollars to be then imposed by the mayor and to be deducted from his pay, and for a second offence to a like fine, or to suspension from office, or both, at the discretion of the mayor. C. C., s. 243.

**Discipline.**

**261.** (1.) Every constable who is insubordinate, or who is guilty of a breach of his duties, or who is negligent in the discharge thereof, or otherwise unfit for the same, may be, by the Board of Control, after a hearing—

- (a) suspended from his employment, fined, or otherwise disciplined, such fine to be deducted from his pay as the Board thinks just, or if it is in the first year of his employment, deducted from the increase in his next year's pay which otherwise he would, under this Act, be entitled to receive, or
- (b) if a greater punishment is deserved, dismissed from his employment.

(2.) In every case of dismissal, if the members of the Board are not unanimous in their determination, the member who dissents may appeal to the Council, which may reverse or vary such determination if at least eleven members of the Council vote for such reversal or variation.

(3.) If, during the first year, through loss of time or ill-health, or for any other reason in the opinion of the Board, any constable has failed to merit the increase in pay to which he would otherwise be entitled at its close, he may be deprived of such increase by the Board.

(4.) If such loss of time or ill-health takes place during any other year of employment, the Board may make a deduction in his pay not exceeding twenty dollars in any one year. C. C., s. 244.

**Deductions  
for absence.**

**262.** A deduction shall be made by the chief of police from the pay of any constable for any time lost during absence from duty, whether from ill health or any other cause, unless—

- (a) leave of absence has been first granted by the Board, or
- (b) in case of illness the medical officer certifies in writing to the chief of police that the illness of such constable was in his opinion caused or contracted while he was on duty and not through any wilful neglect or vice, in which case full pay shall be continued for one month, and thereafter half pay for the period of one month. C. C., s. 245.

(6.)—*Police Force Superannuation Fund.*

**263.** The mayor, treasurer, and chief of police, for the time being, shall be the trustees of the superannuation fund, <sup>Trustees of superannuation fund.</sup> and the treasurer shall be the treasurer of such fund. C. C., s. 246.

**264.** There shall be paid into such fund the following <sup>Payments into.</sup> contributions:—

(a) An amount equal to four per cent. of the remuneration paid to the chief of police and other members of the force respectively, such amounts to be deducted monthly from the remuneration paid each respectively.

(b) All other deductions from the remuneration of any member of the force, all fines and lapsed salaries during suspensions, and all fees for police attendance at meetings, shows and entertainments and for detective or other police services shall be paid over immediately on receipt. 1908, c. 75, s. 11.

**265.** (1.) The moneys of the fund and the accounts in reference to the same shall be kept separate from the moneys <sup>Investment and care of fund.</sup> and accounts of the City.

(2.) They shall be audited by the auditor as a city account.

(3.) They shall be subject to the control of the Council.

(4.) The moneys shall be invested by the trustees in city or government bonds or stock from time to time, or may be kept on deposit receipt in any chartered bank. C. C., s. 248.

**266.** (1.) The moneys of such fund shall not be drawn <sup>Moneys of, how withdrawn.</sup> out except on the cheque or order of the trustees, or of any two of them, one being the treasurer.

(2.) Such cheque or order shall not be made except upon the authority of a resolution of the Council passed upon a report of the Board recommending the payment. C. C., s. 249.

**267.** The trustees shall make an annual report to <sup>Report of trustees.</sup> the Council respecting the amount and state of the fund, showing how the same is invested and the names of all persons receiving payment from the same, with the amounts. C. C. s 250, part.

**268.** If the fund in any year is not sufficient to meet all claims against it, the sum required to meet any deficiency shall <sup>City to make up deficiency.</sup> be paid out of the revenues of the City, and shall be provided

for specially in the estimates and raised with the other rates. C. C., s. 250, part.

Who entitled  
to participate  
in fund.

**269.** (1.) Every member of the force who has served for twenty-five years or more, shall, on resignation, or on being retired by the Board, be entitled to receive a sum equal to twenty-five thirty-fifths of the salary he is then receiving, as a pension, to be paid to him in quarterly instalments until his death.

(2.) If part of such service was rendered before the said fund was established, he shall, for every year he has contributed to the fund, receive a sum equal to one thirty-fifth of such salary, from the said fund, and for every year of service before the fund was established he shall receive a sum equal to one thirty-fifth of his salary out of the revenues of the City, to be provided by extra assessment. C. C., s. 251.

Compulsory  
retirement.

**270.** (1.) Every member of the force who has contributed for fifteen years or more to the said fund may be compulsorily retired by the Council upon the recommendation of the Board—

(a) if it appears by the certificate of the medical officer that such member is permanently incapacitated either mentally or physically from performing his duty, or

(b) if it appears that from age or any other ground of unfitness it is to the interest of the City to retire such officer.

(2.) Upon such retirement he shall be entitled to receive from the fund a sum equal to one thirty-fifth of the salary he is then receiving for every year he contributed to the fund, to be paid to him as a pension in quarterly instalments until his death. C. C., s. 252.

Retirement  
on injury.

**271.** (1.) If any member of the force after ten years service receives a wound or meets with an accident while on regular or special duty which unfits him for any further active service, the Council may, on the recommendation of the Board, compulsorily retire such officer.

(2.) Upon such retirement he shall be entitled to receive from the fund a sum equal to one thirty-fifth of the average salary received by him during the three years next preceding such retirement for every year he contributed to the fund, to be paid to him as a pension in quarterly instalments until his death. C. C., s. 253.

**272.** If any member of the force before retirement dies from any injury received while in the discharge of his duty, and leaves a widow, or if no widow, any child or children under the age of sixteen years, the Council may, on the recommendation of the Board, by resolution, direct that such widow, or the guardian of such child or children, shall be paid out of the fund a sum equal to a month's pay for each year such member contributed to the fund, but not exceeding in any case more than one year's full salary for such member. C. C., s. 256.

Widow or children—payment to in case of death from injury.

**273.** (1.) There shall be paid out of the fund to the representatives, or if none, to the widow, or if no widow, to such children, or if no children, to such relative as the trustees select, of any member of the force dying in the service who contributed for three years or more to the said fund the net sum of his contributions without interest, but in no case shall such sum exceed two hundred dollars.

Widows and children—payment to in case of death after three years.

(2.) Unless he contributed for at least three years, there shall be no claim on the fund. C. C., s. 257.

**274.** No member of the force dismissed or resigning therefrom before the expiration of twenty years' full service shall have any claim for any allowance from the fund. C. C., s. 258.

Resignation or dismissal—no allowance unless twenty years' service.

**275.** The superannuation quarterly allowance of any pensioner dying during a quarter shall be paid to his representatives. C. C., s. 259.

Quarterly payments.

**276.** If any person in receipt of a pension or superannuation allowance from the fund dies while in the receipt of such pension or allowance, leaving a widow or any child under the age of sixteen years, such widow or child shall be entitled to receive from the trustees of the fund the difference, without interest, between the amount contributed to such fund by the deceased person and the amount drawn by him previous to his death. 1907, c. 69, s. 46.

Widow or young children of pensioners, allowance in case.

### (7.)—*Special Police.*

**277.** (1.) Whenever the Board is of opinion that the regular constables are not sufficient for the preservation of the peace and for the protection of persons and the security of property in the City, or in any place in the City, and it is expedient to appoint special constables for such purpose, it may appoint in writing such number of special constables as it thinks fit to hold office during the pleasure of the Board.

Special police.

(2.) Every such special constable shall be sworn to the faithful discharge of his duties before the mayor, the clerk,



the stipendiary magistrate, a controller, or an alderman, and shall, during his continuance in office be under the directions of the chief of police.

(3.) Such special constable shall continue in office for such time as is specified in his written appointment, which shall not exceed one month; and in default of any time being specified for fourteen days from the date of his appointment, unless his employment is sooner discontinued by the Board.

(4.) At the expiration of the time for which he is appointed he may be continued in office, by the publication in any two of the newspapers published in the City of an order of the Board to that effect, for any further time, to be specified in such order, which the Board deems necessary.

(5.) In case of such continuance in office it shall not be necessary for him to be re-sworn.

(6.) In no case shall the same person be required to serve for more than two months in succession. C. C., s. 260.

Emblem of  
office.

**278.** Special constables appointed by the Board shall be furnished by it with a badge, baton, or emblem of office, to be returned by the constable when his employment is terminated and before receiving the remuneration then due to him. C. C., s. 261.

Payment of.

**279.** (1.) The Board may from time to time order such reasonable allowance for the trouble and loss of time and expenses of special constables, not exceeding \$2.50 per day, to be paid to such constables who have then served, or are serving, as to the Board seems proper.

(2.) If the special constables have been appointed on the application of any person or authority having a special interest in their appointment, the remuneration provided for by this section and the expense of furnishing them with the emblem of office shall be at the charge of such applicant. C. C., s. 262.

Riot.

**280.** In case of actual riot, tumult, disturbance or other illegal act of any kind, accompanied with force and violence within the City, the mayor, or deputy-mayor, or in the absence of both, the stipendiary magistrate, may verbally appoint and swear in such numbers as he thinks fit of suitable persons as special constables, who shall aid in restoring and preserving order until such illegal act and all just apprehensions of a renewal thereof have ceased. C. C., s. 263.

Public meet-  
ing, disturb-  
ance at.

**281.** In case of a disturbance or disorder occurring at any public meeting, or assemblage of persons, the mayor, or any controller or alderman, upon the request of the chairman of

such meeting or assemblage, or of three or more freeholders, may verbally appoint and swear in such number as he thinks fit of suitable persons as special constables, who shall aid in restoring and preserving order at such meeting or assemblage. C. C., s. 264.

**282.** (1.) The Board, upon the request of the Commis- Keepers of  
sioners of any park, may from time to time appoint any keeper  
of any park, and two or more of his assistants, special con-  
stables.

(2.) Such special constables shall have the special duty—

- (a) of preserving the peace in the park, and
- (b) of preventing any violation of the by-laws or regulations in respect to the park, and
- (c) of apprehending offenders on view and taking them to the police station.

**283.** No justice of the peace or member of the legislature, Exemptions.  
and no person in the military or naval service, or over the age  
of sixty years, shall be required to serve as a special constable.  
C. C., s. 266.

**284.** Any person competent to be appointed a special Penalty for  
constable under this Act who neglects or refuses to be sworn  
into office shall be liable to a penalty not exceeding eight  
dollars. C. C., s. 267.

**285.** Every special constable shall, not only within the Special con-  
place for which he is appointed, but also throughout the City, stabiles to  
have exercise and enjoy all such powers, authorities, immunities, have powers,  
indemnities, privileges and protection, and be liable to all such etc., of regu-  
duties, responsibilities and penalties as any constable duly lar force.  
appointed has by virtue of any law or statute within his  
constablewick. C. C., s. 268.

(8.)—*Supplemental Provisions as to Police.*

**286.** (1.) Every constable and every special constable Oath of  
shall, before entering upon his duties, take and subscribe the constable.  
oath of allegiance, and an oath of office, in the form following,  
or to the like effect:—

"I, A. B., do swear that I will well and truly serve our Sovereign Lord the King in the office of (constable) for the City of Halifax without favor or affection, malice or ill-will, and that to the best of my power, (subject to the directions of my superior in office), I will aid in preserving the peace and in preventing offences against persons or property within the City, and all crimes and offences, and that while I continue to hold the office, I will, to the best of my skill and knowledge, faithfully discharge all the duties thereof according to law. So help me God.

A. B."

(2.) In the case of the verbal appointments of special constables provided for in this Part, any form of oath requiring the person generally to faithfully perform his duties as a special constable, and verbally administered, shall be deemed to be sufficient, and the omission of such oath altogether shall not affect the validity of the appointment. C. C., s. 269.

Ordinances  
for public  
safety and

**287.** (1.) The Council may from time to time, on the recommendation of the Board of Control, make ordinances for the protection of the property and inhabitants of the City by day and night.

By-laws for  
government  
of police.

(2.) The Board may make by-laws or regulations for regulating the duties and powers of the chief of police, the police and special constables, and for the proper government thereof, and to secure the proper discharge and enforcement of such duties and powers. C. C., s. 270.

R. Lehan and  
N. Power, al-  
lowance to.

**288.** The City shall pay yearly—

- (a) to Robert Lehan, formerly a sergeant of police, the sum of one hundred and forty eight dollars and fifty-seven cents, and
- (b) to Nicholas Power, formerly chief of police, the sum of three hundred and thirty-one dollars and thirty-six cents.

The said sums shall be in addition to the amount which the persons named are respectively entitled to receive from the Police Superannuation Fund and shall be included in the yearly estimates and rated upon the City and collected therewith. C. C., s. 271 A. 1907, c. 69, s. 45.

## PART IV.

### SUPERANNUATION OF OFFICIALS.

Officials  
Superannua-  
tion Fund.

**289.** There shall be established a fund for the superannuation of the officials and employees (except those of the fire and police departments), to be constituted and employed as specified in this Act, and to be known and designated as the "Halifax Officials' Superannuation Fund." C. C., s. 271 B.

Trustees of.

**290.** The mayor, the auditor, the treasurer, and a member of the Board of Control to be appointed by that Board, shall be the trustees of the fund, and the treasurer shall be the treasurer thereof. The fund, and all accounts in connection therewith, shall be kept separate from the other moneys and accounts of the City, but shall be audited by the auditor of the City in like manner as the other accounts of the City, and shall

be managed by the trustees, subject to the control of the Council. The fund may be invested in any investment authorized by the Trustees' Act. C. C., s. 271 C.

**291.** (1.) The moneys of the fund shall not be drawn out except on the cheque or order of the trustees or any two of them, one being the treasurer. How withdrawn.

(2.) Such cheque or order shall not be made except upon the authority of a resolution of the Council, passed upon a recommendation of the Board of Control, recommending the payment. C. C., s. 271D.

**292.** The trustees shall make an annual report to the Council respecting the amount and state of the fund, showing how the same is invested, and the name of every person receiving payment from the same, with the amount of the payment. Report. C. C., s. 271E.

**293.** If the fund in any year is not sufficient to meet all the claims against it, the sum required to meet any deficiency shall be paid out of the revenues of the City, and shall be provided for specially in the estimates and raised with the other rates and taxes. City to make good deficiency. C. C., s. 271F.

**294.** Every official or employee, at the passing of this Act, who is appointed for life or good behaviour, or who is annually appointed, and who was on the 20th day of February, 1907, under the age of fifty-five years, and every official or employee who is hereafter appointed to any office of the City, held for good behaviour, or which is annually filled by appointment, shall contribute to the fund an amount equal to four per cent. of his salary, such amount to be deducted monthly from his salary. Who entitled to participate. C. C., s. 271G.

**295.** Any such official or employee who was on the 20th day of February, 1907 over the age of fifty-five years may, at his option, contribute such amount of four per cent. of his salary to the fund, and in such case shall be entitled to receive an allowance from the fund as hereinafter provided. Optional cases. C. C., s. 271H.

**296.** (1.) Any of the following employees in connection with the department of city works—street roller engineer, sewer sub-foreman, street sub-foreman—or at any time designated by resolution of the council, who is in the employ of the city from year to year, but not continuously, and who is not paid a uniform salary or wages, may, at his option, contribute to the fund, and be entitled to receive an allowance therefrom. Officials of works department.



(2.) The contribution paid by any such employee shall not be less than twelve dollars a year, not necessarily in monthly instalments, and shall entitle him to an allowance based on a yearly salary or wage of three hundred dollars; but if any such employee contributes a larger yearly amount than twelve dollars he shall be entitled to receive an allowance based upon such salary or wages as will yield at four per cent. such increased contribution. C. C., s. 271I. 1907, c. 69, s. 9.

Retirement  
at sixty-five  
after ten  
years' con-  
tribution.

**297.** Every official or employee, who has contributed to the fund for ten years or more, and who has reached the age of sixty-five years, may be permitted by the Council to retire from his employment, and to receive from the fund an annual allowance for the remainder of his life; such allowance shall be determined by the average amount of the yearly salaries on which he has contributed, and shall be equal to one-fiftieth of such average amount for each year in which he has contributed, provided that, in no case, shall the amount of such allowance exceed thirty-fiftieths of such average amount. C. C., s. 271J.

After thirty  
years' con-  
tribution.

**298.** Every official or employee, who has contributed to the fund for thirty years or more, and who has reached the age of sixty-five years, shall be entitled to retire from his employment and to receive from the fund for the remainder of his life an annual allowance equal to thirty-fiftieths of such average amount of his salary. C. C., s. 271K.

Retirement  
in case of  
incapacity.

**299.** (1.) Every official or employee, who has contributed to the fund for ten years or more, and who has been declared by the Council, on the report of two physicians, one of whom shall be the medical officer, unless he is personally interested, to be incapacitated or unfit for the discharge of his duties, and is retired from his office or employment by a two-thirds majority vote of the whole Council, shall receive from the fund an annual allowance computed as hereinbefore provided, until the amounts so paid by way of allowance equal the amounts which he has contributed to the fund with interest thereon at three per cent. per annum, and thereafter he shall be paid from the general revenues of the City to be raised by taxation such allowance as the Council on the recommendation of the Board of Control determines.

Misconduct.

(2.) Nothing in this section shall apply to any official or employee, who is dismissed by the Council for misconduct or other cause. C. C., s. 271 L.

Retirement  
after two  
years.

**300.** (1.) Any official or employee who has contributed to the fund for not less than two years, and who voluntarily retires from employment by the City without being permitted to receive an allowance on retirement as hereinbefore provided, or is dismissed by the Council for cause, shall be

entitled to receive from the fund in one payment one-half of the total amount which he has contributed, without interest.

(2.) Any official or employee who has contributed to the fund for not less than two years, and whose office is abolished by law, or who voluntarily retires or fails to be re-appointed, shall be entitled to receive from the fund an amount equal to the total of his contributions without interest.

(3.) In no case shall any official or employee who has contributed to the fund for less than two years be entitled to receive any allowance or payment whatever from the fund. C. C., s. 271M. 1909, c. 84, s. 4.

**301.** If any official or employee who has contributed to the fund, dies before being superannuated, leaving a wife or child who is a minor, or who is dependent upon him, such wife or child shall be entitled to receive from the fund in one payment an amount equal to his total contributions, without interest. C. C., s. 271N. Widow or children—allowance to be received before superannuation.

**302.** If any official or employee who has been superannuated dies before he has received in allowances an amount equal to his contributions, leaving a wife or child, who is a minor, or who is dependent upon him, such wife or child shall be entitled to receive from the fund, in one payment, an amount equal to the difference between the amount which he has received, and the total amount of his contributions, without interest. C. C., s. 271O. After superannuation.

**303.** In either of the cases specified in the next two preceding sections, if the official or employee leaves at his death no wife or child, but leaves a mother or father or sister, or other relative dependent upon him, the trustees of the fund may, in their discretion, pay to such relative the amount in such sections directed to be paid to such wife or child. C. C., s. 271P. Allowance to other relatives.

**304.** Any person who has been in the employ of the City for not less than thirty years, and who has contributed to the fund for not less than ten years, and who has reached the age of sixty-five years, may be permitted by the Council to retire from his employment and to receive for the remainder of his life an annual allowance equal to thirty-fiftieths of his average salaries as hereinbefore specified, and the difference between the amount of the allowance which he is entitled to receive from the fund and the amount of such thirty-fiftieths shall be paid out of the general revenue of the City raised by taxation. C. C., s. 271Q. Special cases.

**305.** All allowances so paid by way of superannuation shall be paid quarterly in advance. C. C., s. 271R. Quarterly payment.

## PART V

## FINANCE.

## CITY TREASURER.

Treasurer—  
salary and  
duty.

**306.** (1.) There shall be paid to the treasurer an annual salary of eighteen hundred dollars.

(2.) He shall, before entering upon the duties of his office, take the oath and give the security required by this Act.

(3.) He shall receive and be responsible for all the moneys of the City paid over to him. C. C., s. 272. 1907, c. 69, s. 10.

To give  
receipts.

**307.** He shall, on request, give a written receipt to any person paying him money. C. C., s. 273.

Written order  
for payments  
required.

**308.** He shall not pay out any moneys of the City without a written order for every payment signed by the mayor, or by the deputy-mayor when acting under the provisions of this Act for the mayor, and countersigned by the clerk, with the exception of interest on permanent stock, or coupons on bonds or debentures of the City. C. C., s. 274.

Return of  
receipts and  
expenditures.

**309.** He shall, at the first regular meeting of the Council in each month, present in writing a detailed return and statement of the receipts and expenditures of the City, both for general purposes and for water rates, for the previous month, together with the total receipts and expenditures of the City from the beginning of the civic year to the end of the previous month, and the said statements shall show clearly the amount of taxes and water rates received by him from the collector. C. C., s. 275.

To deposit  
daily.

**310.** He shall deposit daily in the name of the City, in a bank named or to be named by resolution of the Council, on the recommendation of the Board of Control, all moneys by him received for or on account of the City, keeping the accounts of the water department separate from the general account of the City. C. C., s. 276.

Payment by  
cheque only.

**311.** All moneys shall be drawn only upon the cheque of the treasurer, countersigned by the mayor, or deputy-mayor acting under this Act for the mayor, and the bank books of the City shall be kept by the treasurer. C. C., s. 277.

His books.

**312.** (1.) The treasurer shall, in books to be kept for that purpose, enter true accounts of all sums of money by him

received and paid as treasurer, and of the several matters in respect to which such sums were received and paid.

(2.) Such books shall at all seasonable times be open to the inspection of any member of the Council. C. C., s. 278.

**313.** (1.) In every year the treasurer shall make out in writing, and cause to be printed, a full abstract of his accounts for the year, and a copy thereof shall be open to the inspection of any ratepayer. Yearly abstract.

(2.) A copy of or an extract from such abstract shall be delivered to any ratepayer who applies for the same upon payment of a reasonable price to be fixed by the mayor. C. C., s. 279.

**314.** The treasurer shall be entitled to receive for the use of the City from every person who requires from him a duplicate receipt for any sum of money paid to the treasurer a fee of ten cents for making such duplicate receipt. Fee for duplicate receipts. C. C., s. 280.

#### THE COLLECTOR AND SUB-COLLECTORS.

**315.** (1.) The collector shall appoint a sufficient number of sub-collectors or bailiffs—not less than four—for whose fidelity and acts he shall be responsible to the City. He may also suspend any such sub-collector, but every such appointment or suspension shall be subject to the approval of the Council. Sub-collectors.

(2.) Every sub-collector shall furnish to the collector a bond in the sum of one thousand dollars of an approved guarantee company for the due performance of his duty.

(3.) Every such sub-collector may at his option contribute to the superannuation fund and be entitled to participate in the benefits thereof. 1907, c. 69 s. 8. 1911, c. 38, s. 4.

**316.** (1.) There shall be payable to the collector a salary of two thousand dollars yearly. Salaries of collector and sub-collectors.

(2.) There shall be paid to each sub-collector the sum of seven hundred dollars yearly. 1911, c. 38, s. 2. 1913, c. 69, s. 8.

**317.** The collector shall from time to time collect all rates, taxes, rents and moneys due to the City, except the fees, fines and penalties received or recovered in the city court or police court. Collector to collect all taxes and other moneys. C. C., s. 283.

**318.** He shall be personally responsible for the collection of all such rates, taxes, rents and moneys due to the City, unless he is excused by the Council on the recommendation of the Personal responsibility.



Board of Control for non-collection of any sum so due, upon his making it satisfactorily appear to the Council that it is uncollectible. C. C., s. 284.

To collect or  
account for  
all taxes.

**319.** He shall collect or account for the whole of the rates and taxes for each and every year within the year for which they are imposed. C. C., s. 285.

To pay over  
to treasurer  
daily.

**320.** He shall pay over each day all sums by him so collected to the treasurer, taking his receipt therefor, certified by the auditor. C. C., s. 286.

Monthly  
returns.

**321.** He shall every month make a return to the Council—

(a) of the amount of rates and taxes, including water rates, collected by him, specifying the name of each ratepayer or taxpayer with the amounts paid by him, and

(b) of the aggregate amount of rates and taxes and of such water rates respectively remaining uncollected. C. C., s. 287.

Duty on  
payment of  
taxes.

**322.** (1.) He shall require any person paying taxes to deliver to him the tax notice, and shall retain the same.

(2.) He shall give such person a receipt for the amount paid.

(3.) He shall keep a counterfoil of such receipt, in order that the returns required by the preceding provisions may be checked and verified by the auditor. C. C., s. 288.

May receive  
instalments.

**323.** He may at any time in his discretion receive every description of taxes in instalments in sums of not less than one-fourth of the whole annual taxation at one time, and he alone shall have the right to apportion the same in such manner as he thinks proper; but nothing herein contained shall prevent him from collecting all rates and taxes when they become due. C. C., s. 289.

Fee for  
certificate.

**324.** (1.) The collector shall be entitled to demand and receive on behalf of the City fees in respect to statements and certificates of the amounts due to the City for taxes, water rates, and other charges, on properties within the City, when required to furnish the same on behalf of the vendee, mortgagee or other person pecuniarily interested, and shall not give any such statement or certificate until the fee in respect thereto has been paid.

(2.) Any money paid to the collector for any such statement or certificate shall be by him paid to the treasurer and be

by him credited to and form part of the general sinking fund of the City.

(3.) The Council may, by ordinance, fix the amount of such fees, and until the same are so fixed such fees shall be:—

For each statement..... 25 cents.

For each certificate..... 50 cents.

C. C., s. 289A.

#### CITY AUDITOR.

**325.** There shall be paid to the auditor a salary of Salary of auditor. eighteen hundred dollars per annum. 1908, c. 75, s. 11.

**326.** The auditor shall audit, inspect, check and correct His duties. the books, accounts and receipts, and supervise all financial business of and connected with the corporation of the City and shall perform such other duties appertaining to his office as the Council on the recommendation of the Board of Control from time to time requires him to perform. C. C., s. 291.

#### BOARD OF ASSESSORS.

**327.** (1.) There shall be paid to the chief assessor an Salaries of assessors. annual salary of fourteen hundred dollars, and to each assistant assessor an annual salary of eleven hundred dollars, the said salaries to be in full for all services as assessors, and in connection with the voters' lists and any other service which is required of them by the Council or Board of Control.

(2.) Nothing herein contained shall prevent the Council on the recommendation of the Board of Control from time to time increasing the salaries of the chief assessor or assistant assessors. C. C., s. 292.

#### THE CIVIC YEAR.

**328.** The general civic year shall begin on the first day Civic year. of May, and shall end on the thirtieth day of the following April. C. C., s. 293.

#### ACCOUNTS AND ACCOUNTING.

**329.** The civic officers shall bring the affairs of their Civic accounts to be closed on 30th April. several departments to a close on the thirtieth day of April in each year. C. C., s. 294.

**330.** (1.) The income and expenditure of each year shall Income and expenditure of each year to be kept separate. be kept distinct and separate from those of any other year.

(2.) Separate accounts of each year's receipts and payments shall be kept in the account books of the City.

(3.) Separate bank accounts shall be kept for each separate year. C. C., s. 295.

Annual  
publication  
of accounts.

**331.** The city accounts shall be annually published after audit and approval in such form and mode as the Council, on the recommendation of the Board of Control, directs. C. C., s. 296.

Officials  
to account  
when re-  
quired.

**332.** The treasurer, clerk, collector and every other officer of the City shall each—

- (a) at such times during his continuance in office as the Council or Board of Control directs or requires, and
- (b) within thirty days after he ceases to be in office, if the Council or Board of Control requires,

deliver to the mayor, for the inspection of the Council or Board of Control, a true account in writing—

- (a) of all matters committed to his charge under this Act, or under any law relative to the government of the City, and
- (b) of all moneys which have been received by him as such officer, and
- (c) of the payments and disbursements of such moneys and the purposes thereof, and shall deliver therewith proper vouchers. C. C., s. 297.

Boards and  
committees  
to account.

**333.** (1.) Every board, committee, officer and person who collects, receives, expends or disburses any money belonging to the City, or under its care or control, shall account in respect to the same to the Council.

(2.) The Council may, on the recommendation of the Board of Control, direct the form and mode of accounting by ordinance, by-law or resolution. C. C., s. 298.

#### CIVIC REVENUE.

##### (1.)—*General Revenue.*

General rev-  
enue other  
than from  
taxes.

**334.** The following amounts, that is to say:—

- (1.) The rents and profits of all corporate lands;
- (2.) The fees paid for liquor licenses;
- (3.) The fees paid for licenses for cabs or trucks, and for other licenses;
- (4.) The fees, fines and penalties collected or received at the city court and police court, or otherwise by the city officials;
- (5.) The interest and annual proceeds of all money, dues and securities belonging to or payable to the City, and

(6.) all other payments to the treasurer, except where and so far as the application thereof is otherwise provided for, shall annually go to the general civic revenue and shall be applied to the objects specified in the next succeeding section. C. C., s. 299.

**335.** In addition to—

(a) the amounts mentioned in the next preceding section, and

(b) the amounts by this Act or any act now or hereafter to be in force specially authorized to be assessed and levied as special revenue,

the Council shall have power annually to raise by rates and taxes upon the inhabitants, property, companies and other subjects of taxation as provided in this Act for ordinary revenue such sum, not exceeding one hundred and sixty thousand dollars, as shall, with the amounts paid into the ordinary revenue under the next preceding section, be sufficient to defray the expenditure for the following purposes, that is to say:—

(a) the salaries and compensation granted to the officers and other persons employed in the business of the City, but not including those payable out of the water rates or any other funds, but including the proper proportion thereof when any such salary or compensation is properly payable in part out of such funds;

(b) police;

(c) maintenance of city prison;

(d) lighting the streets;

(e) a supply of water, in case of a deficiency in the water rates for that purpose;

(f) fire department;

(g) repairing city property;

(h) making, repairing and improving the streets;

(i) repairing of the sewers, drains and bridges;

(j) any other expenditure required in the due execution of the several powers and trusts vested by law in the city corporation, its council, boards, committees, and officers. C. C., s. 300. 1912, c. 82, s. 11.

(2.)—*Special Revenue.*

**336.** (1.) In addition to the sum authorized to be raised by taxation as provided in the next preceding section, the Council may annually raise by rates and taxes on the said inhabitants, property, companies and subjects of taxation, the

General revenue from rates and taxes not exceeding \$160,000.

Special revenue from rates and taxes and purposes of same.



sums of money indicated in this section for the following purposes, that is to say:—

- |   |   |
|---|---|
| Joint expendi-<br>ture of City<br>and County. | (a) A sum equal to the sum from time to time fixed or determined upon between the City and the Municipality of Halifax as the proportion of municipal expenditure for the joint benefit of the City and Municipality which should be borne by the City.   |
| Schools.                                      | (b) The sum annually required by the board of school commissioners under the provisions relating to the public schools of the City for the support thereof.   |
| Poor.   | (c) A sum sufficient for the care, support and maintenance of the poor and sick or insane paupers, and the burial of the poor under the statutes in that behalf.  |
| Point Pleasant Park.                          | (d) A sum not exceeding two thousand five hundred dollars, for the maintenance of Point Pleasant Park, including the maintenance of a house for the ferryman.   |
| Sir Sanford Fleming Park.                     | (e) A sum not exceeding seven hundred and fifty dollars for the maintenance of the Sir Sandford Fleming Park.   |
| Public Gardens.                               | (f) A sum not exceeding six thousand three hundred dollars for the maintenance of the Public Gardens and the parks and open spaces, other than the Point Pleasant Park and the Sir Sandford Fleming Park, to include interest upon moneys taken from the fund realized by sales of common lots.   |
| Free Library.                                 | (g) A sum not exceeding three thousand dollars for the maintenance of the Citizens' Free Library.   |
| Dispensary and morgue.                        | (h) The sum of seven hundred and fifty dollars for the Halifax Visiting Dispensary, to include any rental payable by the City on account of the morgue.   |
| S. P. C.                                      | (i) A sum not exceeding three hundred dollars for the Society for the Prevention of Cruelty, for the purposes of that Society within the City.  |
| Deaf and Dumb.                                | (j) A sum sufficient to provide at the rate of ninety dollars per head per annum for each person admitted by an order of the mayor to the Institution for the Deaf and Dumb at Halifax or to the Halifax School for the Blind, under the statutes in that behalf.   |
| Habitual truants.                             | (k) A sum sufficient to provide, under the statutes relating to compulsory attendance at school, for the support and education of habitual truants sentenced by the stipendiary magistrate to detention in a reformatory, industrial school, home for children or orphan asylum at the rate of eighty dollars per head per annum, as provided by the statutes in that behalf. |

- (*l*) The sum of three hundred dollars for the Infants' Home on Tower Road. Infants' Home.
- (*m*) The sum of three hundred dollars for the Roman Catholic Infants' Home. Catholic Infants' Home.
- (*n*) The sum of four hundred dollars for the Salvation Army Rescue Home. Salvation Army Rescue Home.
- (*o*) The sum of four hundred dollars for the Good Shepherd Reformatory and Industrial Refuge. Good Shepherd Reformatory.
- (*p*) The sum of five hundred dollars for the Children's Hospital. Children's Hospital.
- (*q*) A sum not exceeding five hundred dollars for the maintenance of children committed under the provisions of the acts relating to the Children's Aid Society. Children's Aid Society.
- (*r*) A sum sufficient to provide at the rate of sixty dollars per head per annum for boys sentenced or committed to detention at the charge of the City in the Halifax Industrial School, and the Saint Patrick's Home at Halifax, not exceeding sixteen hundred dollars in the case of any one of such institutions. Industrial School and St. Patrick's Home.
- (*s*) A sum not exceeding twelve hundred dollars for the maintenance and keeping in order of Camp Hill Cemetery. Camp Hill Cemetery.
- (*t*) The sum of five hundred dollars for Dalhousie College, under the Acts of the legislature of 1883, chapter 31, section 4. Dalhousie College.
- (*u*) The sum of five hundred dollars for the Victoria School of Art, to be appropriated by the authorities in connection therewith to the teaching of mechanical and architectural drawing. School of Victoria Art.
- (*v*) A sum not exceeding five thousand dollars for the purposes of the public health, and such further sum, not exceeding ten thousand dollars, as is necessary to replace any sums advanced upon the requisition of the City Health Board in the event of the said sum of five thousand dollars being insufficient, or in the event of an epidemic or plague breaking out in the City, or any sum paid as compensation to any person whose property has been destroyed by an order of the City Health Board, or who has suffered loss by the compulsory enforcement of any provision of this Act respecting the public health. City Health Board.
- (*w*) A sum sufficient to provide for the remuneration and the actual expenses of the members of the court of tax appeals from assessment as mentioned in the provisions of this Act relating to such court. Court of Tax Appeals.

Registrar of Voters.	(x) A sum not to exceed two hundred dollars for remuneration of the registrar of voters under the Nova Scotia Franchise Act.
Police super-annuation.	(y) A sum sufficient to provide for the payment of the proportion of the superannuation allowance payable by the City to members of the police force resigning or retiring who have served twenty-five years, part of which service was rendered before the establishment of the superannuation fund under the provisions of this Act.
Firemen's insurance.	(z) A sum sufficient to pay the premiums of insurance against accident of active firemen and officers of the fire department.
Sinking funds.	(aa) Sums sufficient to provide for all sinking funds authorized by the legislature, and for the repayment of temporary loans, with the interest.
Interest on loans.	(bb) A sum sufficient for the payment of interest on all moneys heretofore or hereafter lawfully borrowed by the City.
Short collection of taxes.	(cc) A sum sufficient to provide for any possible short collection of rates and taxes under the provisions of this Act.
Certain super-annuation allowances.	(dd) The sums following for Superannuation allowances:— To William F. MacCoy, formerly Recorder of the City, six hundred dollars. To Reuben Shaw, formerly a policeman, two hundred and fifty dollars. To Stephen R. Phelan, formerly chief assessor, eight hundred dollars. To John P. Cairns, formerly assistant assessor, six hundred and sixty-six dollars and sixty-six cents. To Josephine Warren, formerly librarian, two hundred and fifty dollars. To William Higlett and Daniel E. Keating, formerly keepers at the city prison, three hundred and sixty dollars each.
Diffusing information.	(ee) Such sum as the Council deems desirable in diffusing information respecting the advantages of the City as a manufacturing and residential centre.
Steamboat on harbor.	(ff) A sum not exceeding five hundred dollars, to be granted on a two-thirds vote of the Council and on such conditions as the Council determines, in aiding a steamboat to ply on Halifax Harbor and adjoining waters during the summer months for the accommodation of tourists and other passengers.

(gg) A sum not exceeding one hundred dollars for <sup>R. C. R.</sup> defraying the transportation expenses of the band of <sup>band.</sup> the Royal Canadian Regiment furnishing music on the Grand Parade, or other public park or garden.

(hh) A sum not exceeding five hundred dollars towards <sup>Tuberculosis</sup> the maintenance of a hospital for the treatment of <sup>Hospital.</sup> persons suffering from tuberculosis.

(2) The amount authorized to be assessed and levied <sup>Certain ap-</sup> under this section in aid of each of the following institutions, <sup>propriations</sup> that is to say:— <sup>optional.</sup>

- (a) The Halifax Visiting Dispensary,
- (b) The Infants' Home on Tower Road,
- (c) The Roman Catholic Infants' Home, and
- (d) The Victoria School of Art

may be withdrawn by the Council at any time, and shall only be payable to such institution, so long as it has the confidence of the Council, and in the case of the Victoria School of Art, so long as it has in addition a course of instruction satisfactory to the Council.

(3) In consideration of the amounts payable to the Salva- <sup>Rescue Home</sup> tion Army Rescue Home and the Good Shepherd Reformatory <sup>and Good</sup> those institutions respectively shall maintain all persons com- <sup>Shepherd,</sup> mitted to them for whose maintenance the City is responsible. <sup>obligation</sup> C. C., ss. 301, 142. 1907, c. 69, ss. 6, 28, 29, 41; c. 71, Sched.; 1908, c. 75; 1910, c. 47, s. 8; 1911, c. 38, s. 10; 1912, c. 82, ss. 4, 5. 1913, c. 69, ss. 10, 11.

**337.** The treasurer shall pay by monthly instalments to <sup>Municipality</sup> the treasurer of the Municipality of Halifax the amount from <sup>of Halifax</sup> time to time fixed or determined upon between the City and <sup>County, pay-</sup> the Municipality as the proportion of expenditure for the joint <sup>ments to.</sup> benefit of both which should be borne by the City. C. C., s. 302.

### (3.)—*Estimates.*

**338.** (1) In the month of December in each year the <sup>Estimates—</sup> Board of Control shall prepare an estimate of all sums which <sup>how made.</sup> are required for the ensuing civic year according to the provisions of the next preceding sections. after crediting to general revenue, as hereinbefore provided, the probable receipts from all sources of revenue other than the amounts proposed to be raised by taxation, and to both general and special revenue the amount of unexpended balances directed to be used for the purpose of reducing taxation.

(2) In such estimate, an allowance shall be made of a sum not exceeding two and one-half per cent. of the total amount to be raised to cover losses, abatements or non-collection of rates or taxes, according to law.



(3) In making such estimate the probable amount which will be yielded by the poll tax for the ensuing year shall be estimated by the Board with the assistance of the chief assessor, the collector and the auditor, and the amount so estimated shall be the amount deducted for poll tax by the assessors for the total amount required by the estimates.

(4.) The estimate so prepared shall be reported by the Board to the Council with a recommendation for its adoption, and the Council may deal with such report in the manner provided in respect to other reports and recommendations of the Board.

Authorized  
taxation to  
be assessed.

(5.) The Council shall authorize the said sums so required to be raised by taxation upon the inhabitants, property, companies, and other subjects of taxation as provided by law, and the clerk shall on or before the thirty-first day of December transmit the said estimate to the assessors. C. C., s. 303. 1912, c. 82, s. 12. B. C., s. 14.

(4.)—*Expenditures.*

Each year  
to be kept  
separate.

**339.** Except as is provided in respect to unexpended balances, it shall not be lawful to charge against the revenues of any civic year any sum of money which has not been authorized by the estimate for that year, and upon which the rate for that year was based, or to divert or to apply any amount appropriated in the estimate to any particular purpose, work or service to any other purpose, work or service. C. C., s. 304.

Monthly  
statement of  
amount to  
credit of ap-  
propriation.

**340.** (1) The treasurer shall furnish the mayor and the chairman of every committee and board of the Council charged with the expenditure of any money with a monthly statement showing the amount to the credit of the Board of Control or of such committee or board respectively, or to the credit of any appropriation of which the Board of Control or any such committee or board has the expenditure, if the Board of Control or any such committee or board has the expenditure of more than one appropriation.

Amounts not  
to be over  
expended.

(2.) Neither the Board of Control or any committee or board, nor any member of either, shall make any expenditure or enter into any contract involving the making of any expenditure for such civic year in excess of the amount to the credit of the Board of Control or of such committee or board, or such appropriation, respectively.

Penalty.

(3.) Any mayor who signs or countersigns any cheque for the payment of any sum on account of any such expenditure, and any auditor who certifies for any payment on account of any such expenditure, shall be liable to a penalty of five hundred dollars.

(4.) Any contract so entered into involving the making of an expenditure in excess of such amount shall not be binding upon the City, and notwithstanding that the City has benefited by such contract. C. C., s. 305.

Contracts in excess to be void.

**341.** (1) Subject to the qualifications hereinafter contained, the money appropriated by the Council in respect to each subject of expenditure shall be expended by the Board of Control, or by the committee or board appointed in that behalf, or if there is no committee, by the mayor.

Expenditures and contracts to be approved by Council, with certain exceptions.

(2.) With the exception of—

- (a) the payment of wages of persons in the employ of the City;
- (b) the purchase of necessary supplies for the carrying on of the ordinary business of the departments, not exceeding forty dollars;
- (c) the payment of customs' duties, freight charges, and other similar charges requiring prompt payment; and
- (d) expenditures made by the mayor out of the contingent fund,

neither the Board of Control nor any committee, board, member of the Council, or officer of the City, shall enter into any contract or incur or authorize any expenditure, without having first obtained the sanction of the Council:—Provided, that nothing in this paragraph contained shall prevent the Board of Control from entering into any contract involving expenditure not exceeding five hundred dollars.

(3.) The bills and accounts for all expenditures, except the pay sheets for wages of persons in the employ of the City, shall be submitted to the Council for its information, if they have been already paid under the preceding paragraph, and for its approval if they have not been so paid.

(4.) In cases of emergency, the Board of Control may, upon a report in writing from the superior officer or assistant officer of the department, stating generally the nature of the service required and of the emergency thereof, and the probable cost of the work to be done, and upon obtaining the approval of the mayor, authorize any work or repairs, or the purchase of goods necessary in view of the emergency, but in any such case the Board of Control shall report the same to the next meeting of the Council.

(5.) Nothing in this section shall apply to the payment of salaries or other expenditures authorized and fixed by any express law, ordinance or resolution of Council, or to instalments or amounts of progress certificates of any contract other than the final instalment or certificate, or prevent the Council

on the recommendation of the Board of Control directing an expenditure to be made out of any appropriation, provided it is for the purpose for which such appropriation was made.

(6.) The mayor may pay out of the contingent fund the annual subscription fees to the Union of Canadian Municipalities, and to the Union of Nova Scotia Municipalities respectively, the expenses of representatives to the meeting of those unions, the expenses of representatives to the Federal Government in matters concerning the City, and expenses incurred in furnishing suitable entertainment for royal or other distinguished visitors or visiting associations. C. C., s. 306; 1907, c. 52.

#### THE VETO OF MONEY VOTES.

Mayor's veto  
of money  
vote.

**342.** (1) Subject to the provisions of this section, no resolution of the Council authorizing the expenditure of any money from the city treasury, or the making of any contract involving the expenditure of any money from the city treasury, shall have any force or effect—

(a) if, in the opinion of the mayor, the expenditure is not authorized by law, or

(b) if the amount is not fixed by law, or is only fixed by a maximum limit, or

(c) if the making of the expenditure is permissive only, and the mayor is of the opinion that it is not expedient to make the same,

and if it receives the disapproval of the mayor in writing as hereinafter provided.

(2.) The mayor shall, within one week after the passage of the resolution, signify in writing with his signature in the record or minute his disapproval of the expenditure proposed by such resolution, or of any part of such expenditure.

(3.) At the meeting of the Council held next after any such signification of disapproval the mayor shall, by message in writing, inform the Council of such disapproval and of his reasons for the same.

(4.) The Council shall thereupon forthwith take such message into consideration, and if such proposed expenditure, or such part thereof, is confirmed by a two-thirds vote of the whole number of the Council, then the resolution authorizing such expenditure, or such part, shall have full force and effect, notwithstanding such disapproval of the mayor, but subject to all legal remedies if such expenditure, or such part, is not authorized by law. C. C., s. 307.

THE CIVIC DEBT.

(1.)—*The Consolidated Fund.*

**343.** The several acts and parts of acts set out in the schedule to this part of this Act are hereby continued in force, and the various sums of money from time to time borrowed by the City under the authority of any such act, and the debentures or stock certificates issued for the moneys so borrowed, together with any moneys hereafter borrowed by the City which by the terms of the act authorizing the borrowing of the same are declared to form a part of the consolidated fund, shall continue as the 'City of Halifax Consolidated Fund.' C. C., s. 308.

Borrowing  
Acts con-  
tinued.

**344.** Every such debenture or stock certificate shall continue to be held on the terms and conditions and with the rights, privileges and liabilities upon which the same was issued. C. C., s. 309.

Debentures  
and stock  
certificates  
confirmed.

**345.** Whenever by any act of the legislature the City is authorized to borrow money and to issue the stock or debentures of the City therefor, and the amount of such stock or debentures at the par or nominal value thereof fails to produce when sold by the City the amount so authorized to be borrowed, the treasurer may, without further authority from the legislature, but subject to a two-thirds vote of all the members of the Council, as herein provided in respect to an application for an act authorizing a loan, issue such additional amount of such stock or bonds as will when sold by the City produce such further amount as is required to make up the sum so authorized to be borrowed, and any stock or debentures so issued shall be valid and binding on the City as though they had been expressly authorized by an act of the legislature, and the provisions of the Halifax City Consolidated Fund Act, 1905, shall apply thereto. 1907, c. 73.

Deficiency on  
sale to pro-  
duce required  
amount.

**346.** (1.) The City may by resolution of the Council borrow money in anticipation of the collection of the taxes of the year in which such money is borrowed, and by such resolution expressly made payable out of such taxes.

Loan in  
anticipation  
of taxes.

(2.) The amount so borrowed shall not exceed ninety per cent. of the amount of taxes uncollected at the time of such borrowing, and shall not in any event exceed thirty per cent. of the total amount of the year's taxes.

(3.) Any amount so borrowed shall be repaid as speedily as practicable out of the taxes of the year for which it was borrowed. C. C., s. 310.



Two-thirds  
vote required  
for borrowing  
resolution.

**347.** (1.) The Council shall not, except upon the recommendation of the Board of Control and upon resolution as hereinafter provided, apply for an act of the legislature authorizing a loan.

(2.) Any such resolution shall be passed only by a two-thirds vote of all the members of the Council, with the names of the members voting for and against recorded, and approved by the mayor, or, if he disapproves of such resolution, by a second such vote after notice of such disapproval.

(3.) Any such notice of disapproval shall be given by the mayor in writing within one week after the resolution has been passed, and if he fails to give such notice within the time so limited he shall be deemed to have approved of the resolution. C. C., s. 311.

Loans payable  
by instal-  
ments limited  
to five years.

**348.** Any loan payable by instalments shall be paid within a period not exceeding five years. C. C., s. 312.

Instalments  
to be included  
in estimates.

**349.** The amount of each annual instalment of any such loan with interest shall be added to the other rates and taxes for the year in which the same is payable and be collected along therewith. C. C., s. 313.

Interest to be  
raised by  
taxation.

**350.** Any interest payable on any debt incurred by the City shall be raised by taxation annually. C. C., s. 314.

(2.)—*The Reserve Fund.*

Reserve fund.

**351.** The reserve fund established by section 17 of chapter 51 of the Acts of 1902 for the purpose of meeting loans made in anticipation of the collection of taxes is hereby continued, and shall be known and designated as the "Reserve Fund." C. C., s. 315.

Payments  
into.

**352.** (1.) The treasurer shall, until the reserve fund reaches the amount of seventy-five thousand dollars, pay into that fund:—

- (a) any sum of money that is to the credit of the unexpended balances account for any financial year, less the sum of five thousand dollars, which shall be used for the purpose of reducing taxation;
- (b) any money received by the City from any casual and unforeseen source, not included in the annual estimate.

(2.) After the reserve fund has reached the sum of seventy-five thousand dollars the treasurer shall pay the sums mentioned in this section into the general sinking fund. C. C., s. 316.

**353.** (1.) The money of the reserve fund may be loaned <sup>Use of.</sup> by the trustees thereof to the City, without interest, as a loan in anticipation of the year's taxes, and shall be used for no other purpose whatever.

(2.) Any money so borrowed by the City from the reserve fund shall be repaid thereto as speedily as is practicable out of the taxes for the year in respect to which the money is borrowed. C. C., s. 317.

(3.)—*The Street Fund.*

**354.** (1.) The street fund of five thousand dollars <sup>Street fund.</sup> established by chapter 44 of the Acts of 1902 is hereby continued and the amount originally borrowed for that purpose shall continue to be repaid as therein provided.

(2.) Such sum shall be kept on deposit in a chartered bank in the City to the credit of an account designated "The Halifax Street Fund," and no money shall be drawn from the said fund except between the first day of January and the first day of May in any year, and only for the purpose of repairing or cleaning the streets, and upon the recommendation of the Board of Control, and any money so withdrawn shall be repaid on or before the first day of September next ensuing out of the moneys appropriated for the said purposes for the current year. C. C., s. 318.

(4.)—*General Sinking Fund.*

**355.** The general sinking fund established by section 11 <sup>General sink-</sup> of chapter 51 of the Acts of 1902 is hereby continued as a <sup>ing fund.</sup> general sinking fund for the redemption of the funded debt of the City, exclusive of the debt contracted for the water supply, and for no other purpose whatever, and shall be known and designated as the "General Sinking Fund." C. C., s. 319.

**356.** The treasurer shall, in each year, pay into the <sup>Payments</sup> general sinking fund— <sup>into.</sup>

- (a) the sum of three thousand dollars, which shall be rated and collected as part of the rates and taxes for each year;
- (b) the sum of two thousand dollars, which shall be taken from the moneys collected for water rates in each year;
- (c) any money collected on account of permanent pavements under the provisions of section 14 of chapter 60 of the Acts of 1890.
- (d) any money collected on account of the construction of any public sewer, less the amount of forty-five thousand dollars specified in section 12 of chapter 51 of the Acts of 1902, which shall be used as therein directed;

- (e) any money received as a premium on any loan effected;
- (f) any money borrowed by the City and not expended for the special purpose for which it was borrowed;
- (g) the moneys herein directed to be paid into the reserve fund after that fund has reached the sum of seventy-five thousand dollars. C. C., s. 320.

Payments in connection with loans.

**357.** (1.) Whenever any money is borrowed on debentures not payable by instalments there shall each year be paid into the general sinking fund such sum as with the accumulated income thereof will be sufficient to retire the debentures at maturity; and any such sum shall be added each year to the amount of the other rates and taxes, and collected along therewith.

(2.) When the money is borrowed for an expenditure to which the owners of property benefitted by such expenditure are by law required to contribute such contributions shall, unless it is otherwise provided, be paid into the general sinking fund, and the amount thereof deducted from the sum raised by taxation for the purpose of the general sinking fund.

(3.) When money is borrowed for the purpose of retiring any stock or debentures previously issued by the City, and new stock or debentures issued for such purpose, it shall not be necessary to add to the rates and taxes any amount to provide a sinking fund in respect thereto. C. C., s. 321. 1910, c. 84, s. 5.

Trustees of funds.

**358.** The mayor, a member of the Board of Control appointed by that Board and the auditor, during their respective terms of office, shall be trustees of the reserve fund, the general sinking fund, and of every other sinking fund heretofore or hereafter provided in respect to any liability of the City. C. C., s. 322.

Treasurer of funds.

**359.** The treasurer shall be treasurer of the funds mentioned in the next preceding section, and secretary to the trustees thereof, but shall receive no additional remuneration therefor, and his bond as treasurer shall apply to and include the faithful performance of duties under this part of this Act. C. C., s. 323.

Investment of funds.

**360.** (1.) The trustees shall invest the moneys of the said respective funds in their names as trustees, and the income therefrom, in—

- (a) bonds or debentures of the Dominion of Canada, or
- (b) bonds or debentures of the Province of Nova Scotia, or

(c) debentures or stock of the City of Halifax, or

(d) deposit on interest in some chartered bank, and may, from time to time, in their judgment, change any such investment.

(2.) No portion of any such fund shall be loaned to the City except as in this Part of this Act is provided. C. C., s. 324.

**361.** The trustees shall annually make a report in writing to the Council of the amounts of the said funds respectively, how they are invested, and of the income therefrom for the preceding financial year. C. C., s. 325.

Trustees to report.

**362.** The books in which the accounts of the said funds are kept, and the securities in which the same are invested, shall at all times be open to be inspected by any controller or alderman or by any committee appointed by the Council to make such inspection. C. C., s. 326.

Books to be open to inspection.

**363.** Every trustee shall be personally liable for any loss occasioned by the employment by him, or with his sanction, of any moneys of any of the said funds otherwise than is provided by this Part of this Act, and such liability may be enforced by action at the suit of the City, or by any ratepayer of the City, or by any creditor of the City to an amount not less than one thousand dollars. C. C., s. 327.

Liability of trustees.

**364.** The supreme court or any judge thereof, by any appropriate remedy at the suit of the mayor, or of any ratepayer of the City, or of any creditor of the City to an amount not less than one thousand dollars, may compel the City or any official of the City, or the trustees of the said funds, to perform and carry out any requirement of this Part of this Act, or may restrain any contravention thereof, and any such proceeding may be had and taken notwithstanding vacation. C. C., s. 328.

Infringement of Act may be restrained by action.

**365.** Nothing in chapter 7 of the Acts of 1902 shall apply to any loan contracted by the City. C. C., s. 329.

Cap. 7, 1902, not to apply to City loans.

#### (5.)—*Supplemental.*

**366.** (1.) Unless authorized by an act of the legislature, it shall not be lawful for the Council to borrow on the credit of the City any sum of money whatsoever, except a loan in anticipation of the year's taxes as hereinbefore provided.

No borrowing without statute.

(2.) If any debt is incurred, or any money is expended by the Council, or under its authority, beyond the amount provided by law, such debt or expenditure shall not be recovered from the City, but the members of the Council voting for the resolution for the incurring of such debt, or for the making of such expenditure, shall be jointly and severally liable therefor.

Unauthorized debt not to be recovered, except from Council.



Limitation.

(3.) No member of the Council shall be liable by virtue of this section after twelve months from the passage of such resolution. C. C., s. 330.

Property of City liable for existing loans.

**367.** The real property and funds of the City shall continue liable and bound for the payment of all certificates and debentures heretofore issued by the City and now chargeable upon the City. C. C., s. 331.

Creditors of City not to be prejudiced by repeal.

**368.** No person who at the time of the coming into force of this Act is a creditor of the City, or who holds any just claim upon the City, shall be prejudiced in respect to his rights by the repeal of any enactment repealed by this Act and heretofore in force. C. C., s. 332.

## SCHEDULE TO PART V.

*List of Acts giving Authority to Borrow Money on Consolidated Fund Remaining in Force.*

Acts of	1874 Chap. 35	Acts of	1896 Chap. 28, s. 4
" "	1880 " 24	" "	1897 " 44, s. 8
" "	1881 " 22	" "	1898 " 65, ss. 13, 14, 20
" "	1882 " 25, sec. 13	" "	1899 " 58, ss. 1, 2, 3
" "	1882 " 27	" "	1900 " 51, s. 5
" "	1883 " 29	" "	1901 " 59
" "	1883 " 30	" "	1901 " 60, ss. 1, 6
" "	1884 " 28	" "	1902 " 45
" "	1885 " 44	" "	1902 " 53
" "	1885 " 45	" "	1902 " 54
" "	1885 " 46	" "	1903 " 75
" "	1885 " 50	" "	1905 " 48
" "	1886 " 5, ss. 15-16	" "	1905 " 49
" "	1886 " 59, ss. 5, 6, 7	" "	1905 " 51
" "	1886 " 61	" "	1906 " 60
" "	1888 " 47	" "	1906 " 61
" "	1888 " 48	" "	1907 " 67, s. 13
" "	1888 " 50, except ss. 5, 11, 13, 14	" "	1907 " 69, s. 26, 27
" "	1888 " 51	" "	1907 " 71
" "	1889 " 59, sec. 1	" "	1908 " 72
" "	1889 " 69	" "	1908 " 74
" "	1889 " 72	" "	1908 " 75, the sections authorizing the borrowing of the sums following, that is to say, \$4,000, \$3,500, \$12,000, and \$2,000.
ROYAL GAZETTE, Aug. 28, 1889		" "	1909 Chap. 84, s. 7
Acts of 1890, Chap. 60		" "	1909 " 85
" "	1890 " 61	" "	1909 " 86
" "	1891 " 58, ss. 272 to 286	" "	1910 " 47, ss. 4, 6
" "	1891 " 62	" "	1910 " 49
" "	1891 " 63, s. 16	" "	1911 " 38, ss. 7, 9
" "	1891 " 64	" "	1911 " 40
" "	1892 " 59, ss. 4, 6, 7	" "	1912 " 81
" "	1892 " 60	" "	1912 " 82, ss. 2, 3, 8, 9, 10, (4) and schedule.
" "	1893 " 52, s. 17		
" "	1893 " 56		
" "	1894 " 31		
" "	1895 " 43, ss. 8, 21		
" "	1896 " 3, s. 11		
" "	1896 " 27, ss. 40, 45, 55, 57		

## PART VI.

## TAXATION.

## PRELIMINARY.

**369.** The assessment shall be commenced in the month of May in each year for the next ensuing civic year; the valuations shall be completed by the thirty-first day of December, and the books containing the annual rating and taxing shall be prepared, made up, and delivered to the collector before the fifteenth day of March in each year. C. C., s. 333.

Assessment—  
when begun  
and com-  
pleted.

(1.)—*Property Liable.*

**370.** All real and personal property within the City shall, subject to the exemptions in the next succeeding section mentioned, be subject to taxation as provided in this Act. C. C., s. 334.

All property  
to be taxed.

(2.)—*Exemptions.*

**371.** (1.) The following property shall be wholly exempt from taxation, that is to say:—

Exemptions.

- (a) Property, real or personal, of His Majesty, used for Imperial, Dominion or Provincial purposes.
- (b) Personal property of persons whether officers or men in the naval or military service of the United Kingdom residing in buildings or barracks of His Majesty.
- (c) The court house and gaol, and the site, appurtenances and furniture of each.
- (d) Every building used as a college, incorporated academy, school house, or other seminary of learning, and every building used for public worship, and the site, appurtenances and furniture of each.
- (e) The Halifax School for the Blind, the School for the Deaf and Dumb, the Halifax Dispensary, the Young Women's Christian Association, every poor house, alms house, orphans' house, house of industry, house of refuge, sailors' home, infants' home, and every public library, while used for the purposes indicated by their respective designations, and the real and personal property belonging to each.
- (f) The property of the institution known as the Victoria Infirmary, its buildings, appurtenances and furniture.
- (g) Any premises occupied by the Salvation Army for the purposes of a maternity hospital, whether the same is or is not the property of that society, provided that

if it is not the property of that society, the benefit of the exemption is given to the society by reduction in the rent or otherwise, and all personal property used in connection therewith.

- (h) Any premises occupied by the Seaman's Friendly Society as a Sailors' Home whether the same is or is not the property of that Society, provided that if it is not the property of that Society the benefit of such exemption is given to the Society by reduction in the rent or otherwise.
- (i) Stocks owned by the City or province, or by literary or charitable institutions.
- (j) Dominion, Provincial or City debentures or stock.
- (k) The real or personal property of any person or corporation exempted from civic taxation under any special act as therein provided.

Property of  
ministers and  
teachers.

(2.) Nothing in any act of the legislature shall be construed as exempting from civic taxation ministers or school teachers. C. C., s. 335. 1907, c. 69, s. 40; 1912, c. 82, s. 49.

Property  
below \$200  
exempt.

**372.** No person shall be assessed for his personal property unless its value amounts to the sum of two hundred dollars. C. C., s. 336.

Mortgages  
exempt.

**373.** Moneys lent on mortgage on real property within the City shall be exempted from civic assessment, and neither the lender nor the borrower shall be liable to pay taxes to the City on any such security. C. C., s. 337.

Stock in  
companies.

**374.** No owner or holder of stock in any incorporated or joint stock company doing business within the City, which is taxed for its capital, or in respect to its profits or income, shall be assessed as an individual for such stock. C. C., s. 338.

Unmarried  
women and  
widows.

**375.** Every unmarried woman or widow whose net annual income is less than five hundred dollars, and who produces to the assessors an affidavit made before a justice of the peace or commissioner to that effect, shall be exempt from taxation for school purposes upon property to the value of five hundred dollars. C. C., s. 339.

Firemen's  
widows.

**376.** The widow of any person who was a member of the Union Engine Company, Union Protection Company, or Axe Fire Company, previously to the first day of May, 1895, shall be exempt from taxation for civic purposes upon property to the value of five hundred dollars, provided there is satisfactory proof that at the time of the death of such member he had served the full term of active service in his company. C. C., s. 340.

**377.** Nothing in the foregoing provisions as to exemptions shall be construed to exempt any company, firm or individual from payment of water rates or from liability for grading or paving any street, laying any sidewalk, constructing any sewer or other betterment. C. C., ss. 341, 362, (3). No exemption from betterment charges.

**378.** (1.) When any person or company proposes to purchase any land, or to erect any building in the City for the purpose of establishing any manufacturing industry, the Council may wholly or in part exempt the land and building, machinery and stock in trade of such person or company from taxation for the general purposes of the City, other than water rates, for a period not to exceed ten years from the establishment of such industry. Manufacturing industries.

(2.) Any person or company engaged on the 28th day of April, 1906, in any manufacturing industry in the City who enlarges or extends his buildings or machinery then used for such industry, shall only be rated in respect to all of his or its buildings and machinery on a sum equal to the assessment thereof immediately preceding such enlargement, extension or addition; provided, however, that where the enlargement or extension of the building involves the purchase of additional land or property, the purchase price of such additional land or property shall be added to his or its assessment. If the purchase price of such additional land or property is less than the value at which the same was assessed at the time of such purchase, then the assessed value thereof shall be taken as the valuation thereof, and shall be added to his or its previous assessment.

(3.) If the buildings or property mentioned in this section cease to be used for one year as and for a manufacturing establishment, then the property and machinery shall be assessed at their actual value in the same way as other real and personal property are assessed in the City.

(4.) The Council shall not, under the authority of this section, grant any exemption to any person or company proposing to establish any industry that will at the date of its establishment come into competition with any industry then established in the City.

(5.) No exemption hereafter granted by the Council under sub-section (1) of this section, or enjoyed under sub-section (2) hereof, shall be deemed or construed to exempt any person or company from the payment of any water rate or from the payment of any contribution or liability in respect to the construction of any sewer, or paving or grading any



street, or laying any sidewalk, or other betterment charge, or to relieve any property from any lien in respect to any such charge.

(6.) This section shall not apply to establishments for the manufacture of intoxicating liquor.

(7.) The repeal of chapter 49, of the Acts of 1902, shall not affect any rights already acquired under the act repealed.

(8.) This section shall cease and determine in twenty years from the 28th day of April, 1906. C. C., s. 344. 1913, c. 69, s. 18.

*(3.)—Property to be Rated.*

What  
property to  
be assessed.

**379.** (1.) The proportion of the required sum which is to be raised by the rates shall be rated on the owners of real and personal property by an equal dollar rate upon the value of such real and personal property within the City, whether such real or personal property is possessed, occupied or owned by an individual or individuals, or by any joint stock company or corporation, and whether such individual is resident or abroad, or such company or corporation is domestic or foreign, all according to the best knowledge and discretion of the assessors.

(2.) Persons holding real property in fee simple, for life, or for a term of not less than twenty-one years, and mortgagees in possession, shall, for the purposes of this Act, be deemed to be the owners of such real property.

(3.) Where the mortgagee of real property is not in possession, the person entitled to the equity of redemption shall be deemed to be the owner of such real property. C. C., s. 342.

Real property  
at cash value.

**380.** All real property in the City shall be valued by the assessors at the cash value at the time of the valuation, so far as the same can be ascertained, due allowance being made by the assessors in the case of a property receiving only a limited advantage from street expenditure, water supply, sewerage, street lighting, and police supervision. C. C., s. 343.

Person in  
possession of  
personalty to  
be deemed  
owner.

**381.** The person in possession of personal property at the time of the valuation of the same shall be deemed to be the owner of such property, if the actual owner has not been assessed before, and such property shall be liable for the different rates and taxes assessed in the name of such person in possession. C. C., s. 345.

Property in  
transit  
exempt.

**382.** No property in transit shall be included in the assessment. C. C., s. 345.

**383.** (1.) Under the expression "personal property" shall be included:— Personal property defined.

- (a) all household furniture, moneys, goods, chattels, wares, merchandise and effects wheresoever situated within the City owned by any person, company or corporation, and
- (b) all moneys belonging to any inhabitant of the City invested in public or private securities within the City.

(2.) All bullion and coins of gold, all Dominion notes and notes of solvent banks in the province or elsewhere, which are the property of any citizen and in the possession of such citizen, or in the custody of a bank or other person or company, except money deposited on deposit receipt, shall be deemed to be the moneys of such citizen, and shall be assessed as his personal property.

(3.) All ships and vessels, or shares therein, for the purpose of assessment, shall be valued at one-fourth of their actual value, and shall respectively be assessed to the owner thereof in the ward in which he resides and irrespective of the place or port of registry.

(4.) All stocks of merchandise held for sale shall, for the purpose of assessment, be valued at three-fourths of their cash value. C. C., s. 346.

(4.)—*Real Property Register.*

**384.** (1.) The assessors shall continue to keep a complete register of all real property within the City according to wards, giving— Register of real property.

- (a) the description of each property sufficient to designate it, the street or locality in which it is situated, or the number thereof, if any; and,
- (b) the name of the owner or owners, if the same can be ascertained.

(2.) It shall be amended and corrected by the assessors from time to time as occasion requires.

(3.) A description, or an amended description, shall be sufficient if the property can in any way be ascertained therefrom.

(4.) Such register shall be filed as a permanent record in the office of the assessors. C. C., s. 347.

(5.)—*Assessment Books.*

**385.** The assessors, before proceeding to the assessment of property in the respective wards, shall be provided by the City with a sufficient number of blank books to be used as assessment Assessment books.

books, ruled and headed throughout in the following form, or to the like effect:—

WARD.....

No. of house, or lot or description of property	Name	Value of real property.	Value of personal property.	Total amount on which rate is to be levied.

C. C. s. 348.

Entries in.

**386.** (1.) In case of assessment, the assessors shall enter in such book the name of each person or company to be assessed, and in separate columns the number or description of the property, the value of real property, the value of personal property, and the sum total on which the rate is to be levied.

(2.) In other cases, they shall enter the name of each person, bank or company liable to pay any special tax. C. C., s. 349.

(6.)—*Notice of Assessment.*

Notice of assessment.

**387.** (1.) A notice of the assessment over the name of the chief assessor shall be served on the person or company assessed.

(2.) It may be served—

- (a) by delivering the same personally or to some person at his office, place of business or residence, or to an agent, or, if it is a company, by delivering the same to such company, its officer, clerk or other agent, or
- (b) by leaving it on the property assessed, or
- (c) by mailing it through the post office addressed to such person or company, or the agent of either, with the postage prepaid. C. C., s. 350.

Property in different localities.

**388.** (1.) If any person or company is the owner of property, whether real or personal, in more than one locality, the notice shall state in separate entries the valuation in respect to each such property, or a separate notice may be given in respect to each.

(2.) Any such notice may also state the valuation of any personal property of such person or company assessed in connection with the real property mentioned therein. C. C., s. 351.

**389.** The notice of assessment shall bear date of the day Date of notice. on which it is delivered or left, or in case of mailing, of the day on which it is mailed. C. C., s. 352.

**390.** The entry of any of the assessors, or his initials to Entry of service sufficient evidence of service. any entry, on the duplicate or counterfoil of such notice of the fact of such delivering, leaving or mailing, placed there at the time or directly afterwards, shall be sufficient evidence in any court of such delivering, leaving or mailing. C. C., s. 353.

**391.** The following form of notice of assessment, or one to Form of notice. the like effect, shall be sufficient:—

WARD.....

No of house or lot or other description of property.	Value of real property.	Value of personal property.	Total amount on which rate is to be levied.

I hereby give you notice that the board of city assessors have assessed the property herein specified to you, and at the valuations herein mentioned, on which rates for the year 19... are to be levied. If you wish to object thereto you are hereby notified to furnish me, at my office in the City within fourteen days from this date, with a written statement, under oath, according to the form herewith served upon you.

To Mr. ....

.....,  
Chief Assessor.

Dated at Halifax, .....day of ....., 19.....  
C. C., s. 354.

(7.)—*Sworn Statement for Appeal from Assessment.*

**392.** (1.) The person or company sought to be assessed, Sworn statement of appeal from assessment. or the agent of either, may appeal from the assessment and shall have fourteen days after service of the notice within which to furnish the assessors with a written statement, under oath, of the real and personal property of the person or company within the ward in which the property in respect to which the objection is made is situated.

(2.) In such statement the value of each of the classes of property mentioned in the form following shall be stated separately.

(3.) For the purposes of such statement, ships or vessels, or shares therein, shall be deemed to be property in the ward in which the owner resides.



(4.) Such statement shall be verified by affidavit sworn before any justice of the peace or commissioner of the supreme court.

(5.) It shall be delivered at the office of the chief assessor in the City Hall within fourteen days after the date of delivery, leaving or mailing of the notice.

(6.) Such statement and affidavit shall be in the form following, or to the like effect:—

STATEMENT OF REAL AND PERSONAL PROPERTY WITHIN WARD NO. ....,  
OF THE CITY OF HALIFAX LIABLE TO ASSESSMENT.

\$

1. Real property at its actual value .....
2. Household furniture and movable property in dwelling and premises occupied by subscriber ....
3. Merchandise held for sale at three-fourths of its actual cash value .....
4. Other personal property within the ward at its actual cash value .....
5. Moneys in possession or in bank, etc., not on deposit receipt .....
6. Ships or vessels, or shares or any interest therein, whether at home or abroad, at one-fourth their actual cash value .....
7. Moneys invested in the City otherwise than on mortgage or on exempted investments. ....

Total amount \$

CITY OF HALIFAX, S.S.

I, ....., of the City of Halifax, make oath and say that the above statement is in all respects just and true; and that the sum of ..... dollars is the full value to the best of deponent's judgment and belief, of the real and personal property for which.... was liable to be rated on the day of the assessment thereof, within ward No. ....

Sworn to this ..... day of ....., A. D. 19...., before me.

C. C., s. 355.

TAXATION OF COMPANIES.

(1.)—*Banks.*

Banks, how  
taxed.

**393.** (1.) Every chartered bank doing business in the City shall pay to the City the rates and taxes following—

- (a) a tax upon all the real property owned by the bank within the City in like manner and at the same rate as the rates and taxes upon the other real property within the City.
- (b) a tax of one thousand dollars for each year beginning on the first day in May in which the bank does business in the City.
- (c) a tax of one sixteenth of one per cent. yearly upon the average volume of business done by the bank within the City, computed as hereinafter set forth.

(2.) Such average volume of business shall be the average of all loans and investments including notes or bills discounted, accounts, current accounts, call loans, loan accounts, past due bills, foreign exchange and other advances of any kind or description whatsoever, and the average deposits, including current accounts and savings' bank balances, special deposits, and any other deposit in or balance due by any such bank within the City, except any balance due by any branch bank to the head office of such branch bank.

(3.) The said average volume of business shall be ascertained by adding together the amount of the said loans, investments and deposits standing on the books of the bank on the last day of each month for the last preceding year ending on the 31st day of December, and dividing the total by twelve.

(4.) The local manager, cashier, or agent, and the accountant of every such bank shall, on or before the 31st day of January in each year, file with the assessors, a true statement in writing verified by oath in the form in the schedule hereto, showing the average volume of the business of the bank within the City for the year ending 31st December next preceding.

(5.) Each such bank shall be rated and taxed for the purposes of the City in a sum equal to one-sixteenth of one per cent. on the average volume of business done by the bank in the City for the year as shewn by the said statement, and shall pay that amount yearly to the City, in addition to the rates and taxes on real property and the said tax of one thousand dollars hereinbefore provided, and the same may be recovered from the bank by the City in like manner and with the same remedies as the other rates and taxes of the City.

(6.) In no case shall the tax paid by any bank doing business in the City on the average volume of its business be less than seven hundred and fifty dollars, provided that this paragraph shall not apply to any bank hereafter commencing business in the City until one year has elapsed from the date of so commencing.

(7.) If any bank so doing business in the City on or before the thirty-first day of January in any year notifies the assessors that it does not desire to be rated in respect to its average volume of business, such bank shall not in that year be required to pay any tax in respect to its average volume of business, but in lieu thereof, and in lieu also of the said tax of one thousand dollars, shall be required to pay a tax of three thousand dollars in addition to the rates and taxes imposed in respect to any real property owned by such bank.

(8.) If any such bank fails on or before the thirty-first day of January in any year to make a return of its average volume of business, or to notify the assessors that it does not wish to be rated in respect to such average volume of business as provided in this section, such bank shall for that year pay as a tax a sum of three thousand dollars in lieu of its taxes other than those in respect to real property as provided in this section.

#### SCHEDULE.

Statement of the real estate and of the average amount of deposits, loans and investments for taxable year, 19...., of .....  
and ....., as agent or manager and accountant respectively of .....

Real estate within the City of Halifax, on the first day of April, making no deduction whatever from the full and fair value by reason of any mortgage or other liability.

Detailed description of real estate:—

Total average of all loans and investments (including overdrawn accounts, notes and bills discounted, current accounts, call loans, loan accounts, past due bills, foreign exchange, and any other advances of any kind or description), the total average of all deposits, (including current account and savings bank balances, special deposits and any other balances or amounts due to or by such branch bank, always save and excepting the balance shown as due to or by the head office and branches) appearing on the books.

On the last day of .....	A. D. 19
" .....	" .....
" .....	" .....
" .....	" .....
" .....	" .....
" .....	" .....
" .....	" .....
" .....	" .....
" .....	" .....
" .....	" .....
" .....	" .....
" .....	" .....
" .....	" .....
" .....	" .....
" .....	" .....

Total, .....

The above schedule has been compiled in the legal currency of the Dominion of Canada, and comprises all the deposits, loans and investments of ..... of which we are acting as manager or agent and accountant respectively, and it includes special deposits, current accounts and savings bank balances, notes and bills discounted, call loans, loan accounts, overdrawn accounts, past due bills, foreign exchange, purchased and current, as per estimate of due dates, and each and every item in the assets or liabilities of the said bank at Halifax, which may or can be regarded either directly or indirectly as deposits or loans (always save and excepting the balances shown as due to or by the head office), and is full, true and correct to the best of our knowledge and belief, and is not in any way lessened or increased by request, suggestion, instruction or otherwise, for the purpose of avoiding taxation or for other purposes, and neither loans nor deposits nor transactions representing the same nor any item under the headings above mentioned which may be regarded as property belonging to this office, have been either transferred elsewhere or suppressed for the purpose of avoiding taxation or otherwise, and the accounting of our transactions has been in good faith, and the schedule, as made up from the accounting, is also in good faith.

....., *Manager.*  
....., *Accountant.*

BE IT KNOWN that on the ..... day of ....., A. D. ...., at the City of Halifax, in the Province of Nova Scotia, the above named ....., personally appeared before me and made oath that the foregoing statement subscribed by him is just and true.

BE IT KNOWN that on the ..... day of ....., A. D. ...., at the City of Halifax, in the Province of Nova Scotia, the above named ..... personally appeared before me and made oath that the foregoing statement subscribed by him is just and true.

C. C., s. 356.

(2.)—*Specified Companies and Businesses.*

**394.** (1.) Each of the companies, firms or individuals enumerated in this section and doing business in the City, shall pay to the City a yearly tax of the amount in this section specified in respect to each respective company, firm or individual, to be collected from such company, firm or individual in the like manner and with the same remedies as the other rates and taxes of the City.

Telegraph,  
insurance  
and other  
companies.

(2.) Every such tax shall be in addition to any rate or tax payable by any such company, firm or individual in respect to any real or personal property owned by such company, firm or individual, but shall be in lieu of any other rate or tax.

(3.) The taxes payable by companies, firms or individuals under this section shall respectively be the following:—

- (a) Every telegraph company (other than a cable company) having an office in the City.. \$300 00
- (b) Every telegraph cable company having an office in the City, except the Bermuda Cable Company ..... 100 00
- (c) The Bermuda Cable Company ..... 50 00
- (d) Every express company having an office in the City, and not having its head office in the Province ..... 200 00
- (e) Every express company having an office in the City, and having its head office in the Province ..... 100 00
- (f) Every mercantile agency doing business in the City ..... 100 00
- (g) Every telephone company doing business in the City ..... 600 00
- (h) Every building and loan company, or loan company, and every trust company doing business in the City ..... 200 00
- (i) Every life insurance company doing business in the City ..... 200 00



(j) Every fire insurance company doing business in the City .....	\$200 00
(k) Every marine insurance company doing business in the City .....	200 00
(l) Every accident insurance or guarantee company doing business in the City.....	50 00
(m) Every plate glass insurance company doing business in the City .....	25 00
(n) Every steamship company doing business in the City and not assessed in respect to steamship property in an amount which will yield taxation not less than one hundred dollars .....	100 00

(4.) If any insurance company does business in the City in more than one of such branches of insurance, it shall pay a tax for each such branch at the rate herein mentioned for the same.

(5.) Any life insurance company which is engaged in winding up its business in the City and is issuing no new policies shall be exempt from such tax, but not from rates in respect to its real and personal property. C. C., s. 357. 1908, c. 75, s. 2.

(3.)—*Halifax Electric Tramway Company.*

Halifax Electric Tramway Company.

**395.** (1.) The Halifax Electric Tramway Company, Limited, in addition to the taxation by law imposed upon the real property owned by it, including the real property formerly the property of the People's Heat and Light Company, Limited, and of the Halifax Gas Light Company, and the sum of four per cent. on the gross tolls received from the operation of its railway, and the license fee of one thousand dollars imposed by section 33 of Chapter 107 of the Acts of 1895, and water rates, shall pay half yearly to the City, on the first days of May and November, in each year, a sum equal to two per cent. on its gross receipts during the half year preceding from the supply of electric energy and gas for lighting or power, and such sum shall constitute a lien or charge upon all the property, real and personal, and the franchises of the company, and may be collected in the same manner and with the same remedies, and at the same time, as the other rates and taxes of the City; and in addition to such remedies, if the said sum remains unpaid for three months after the first day of May or November in any year, the supreme court or a judge thereof may appoint a receiver of the tolls and income of the company, who shall, out of the moneys so received by him, pay to the City the amount of the said taxes then in arrear.

(2.) The said company shall half yearly, on or before the first days of November and May, furnish the treasurer with a statement of the said gross receipts, showing the amount derived from electricity and gas respectively, verified by the oath of the superintendent or manager of the company, and for the purpose of verifying such statement the City may, if it deems fit, examine the books and accounts of the company. C. C., s. 358.

(4.)—*Stock Brokers, etc.*

**396.** (1.) Every company, firm or individual carrying on business in the City as a stock broker, investment agent or dealer in securities, or offering for sale in the City any stock, bond, or other investment placed with such company, firm, or individual, for the purpose of sale, and every company, firm, or individual offering for sale in the City the securities of any company or municipality, shall pay the following tax, that is to say:—

- (a) If such company, firm or individual has its chief office or place of business in the City a yearly sum equal to one and one-half per cent. on the value of the premises occupied by such company, firm or individual for the purposes of such business, such value to be determined by the assessors, and *prima facie* to be deemed to be ten times the rental or fair annual value of the premises so occupied, such sum not in any case to exceed the sum of one hundred and fifty dollars; and,
- (b) If such company, firm, or individual does not have its chief office or place of business in the said City the sum of two hundred and fifty dollars.

(2.) Nothing in this section shall apply to any company having its chief office or place of business in the province and offering for sale in the City its own bonds, stock, or other securities, or to any licensed auctioneer selling any bonds, stocks or other securities by auction, or to any company, firm, or individual whose business is not exclusively or chiefly that of selling bonds, stocks, or other securities or is not engaged in such business as a principal occupation.

(3.) Every person doing business as an insurance broker, other than a broker for an insurance company doing business in the City and paying a tax as such, shall pay a tax of one hundred dollars.

(4.) Every person, firm, or corporation doing business as a real estate agent shall pay a tax of twenty-five dollars.

(5.) The taxes imposed by this section shall be in addition to any tax imposed by law upon any real property owned by

the company, firm or individual doing business as a broker or agent. C. C., s. 359. 1908, c. 75, s. 3.

(5.)—*Other Companies.*

Other com-  
panies.

**397.** (1.) Unless expressly exempted from taxation or other provision is made by special legislation every kind of company or association doing business directly or through an agency in the City (other than the companies provided for in the next four preceding sections) shall be rated in respect to any real or personal property owned by it in the City like other owners of real or personal property, and shall at least pay an annual tax of one hundred dollars, whether it has the property to yield rates in that sum or not.

(2.) If the amount of its rate or tax would exceed a sum equal to one per cent. of the paid-up capital of any such company or association it shall pay annually in lieu of such rate or tax a tax of one per cent. on such paid-up capital. C. C., s. 360.

(6.)—*General Provisions.*

Company  
taxes—when  
due—appor-  
tionment of.

**398.** (1.) Except as is otherwise provided the tax on every bank, company or association shall become due and payable on the thirty-first day of May in each year.

(2.) In the case of a company or association beginning business in the City after the first day of May in any year the tax for the year ending on the first day of May next ensuing shall be proportionate to the amount of such year unelapsed at the time of beginning business and shall be payable immediately on beginning business. C. C., s. 361, (Part), 1907, c. 69, s. 11.

Agents liable.

**399.** (1.) The agent or manager of every company or association which is not incorporated under an act of the legislature shall be personally liable—

- (a) for the tax payable by it, and
- (b) for the rates payable in respect to any real or personal property owned by it within the City as if he had been assessed and rated therefor personally.

(2.) The payment of such tax and rates due by any company or association may also be enforced by the collector by warrant of distress levied on its property and effects, or by any mode provided in this Act. C. C., s. 362 (Part.)

POLL TAX.

Poll tax.

**400.** (1.) Every male person between the ages of twenty-one and sixty, resident in the City on the 31st day of December

in any year, and not assessed at the assessment for that year for either real property or personal property or both to the amount of three hundred dollars, and who is in receipt of a yearly salary or income of not less than four hundred dollars, shall pay to the City a poll tax of five dollars for the general purposes of the City, and the amount thereof may be collected in the same manner and with the same remedies as the city rates upon personal property, and in addition thereto a general warrant may be issued for the collection of the same by distress and sale of the goods of the persons named therein, and for want of goods of any such persons whereon to levy he may be committed to jail, and any person so committed shall be entitled to all the privileges of a debtor imprisoned under civil process. Such warrant may be in the form in the schedule hereto, or to the like effect. When any person is arrested under such warrant it shall not be necessary to deliver the warrant to the keeper of the gaol, but a certificate of the amount due by the person arrested and of the costs and charges of his arrest and conveying to gaol signed by the collector shall be delivered to such keeper, and shall be a sufficient authority for the detention of such person until released by due process of law.

(2.) If the poll tax payable by any person is paid on or before the 31st day of December in the year in respect to which it is payable the person so paying the same shall, if he is a British subject, be entitled to a vote at the next ensuing elections for mayor, controller or aldermen in the City; and the names of all persons who have so paid shall be added by the collector to the list of persons entitled to vote.

(3.) Every employer of labor in the City shall on request furnish to the assessors the name of every person in his employ in receipt of a yearly salary or income of four hundred dollars or upwards.

(4.) The assessors shall add to the list of names of persons liable to poll tax on the 31st day of December in each year the name of every person so liable who takes up his residence within the City between the 31st December and the 1st September next succeeding.

(5.) Before fixing the rate of taxation for any year the probable amount which will be yielded by the poll tax for the ensuing year shall be estimated by a committee composed of the mayor, a member of the Board of Control appointed by that Board, the chief assessor, the collector and the auditor, and the amount so estimated shall be the amount deducted for poll tax by the assessors from the total sum required by the estimates.



## SCHEDULE.

## GENERAL WARRANT FOR POLL TAX.

*To the City Marshal of the City of Halifax, or to any Bailiff or Sub-Collector, or any Police Constable of that City:*

*Whereas, the persons named in the Schedule hereto are indebted to the City of Halifax in the sums for Poll Tax set opposite their respective names, and have failed to pay the same,—*

*You are hereby required immediately to distrain the goods and chattels of each such person for the sum due by him and for the cost of collecting it, and if need be to remove such goods and chattels to some safe place of keeping, and if within five days after the distress is made such goods and chattels are not redeemed by the payment of such sum with such costs and any additional charges you shall sell the goods and chattels so distrained upon to satisfy the same, and for want of goods and chattels of any such person to be by him shewn to you you are hereby required to take his body and him safely commit to the common gaol at Halifax, the keeper whereof is hereby required to take such person into his custody, and him safely keep until the sums due by him with the further sum for the costs and charges of arresting him and conveying him to gaol, as shown by the certificate of the Collector of the said City, are paid, or he is discharged by due course of law.*

*Given under my hand at Halifax, this ..... day of ..... A. D., 19....*

*.....  
City Collector for the City of Halifax.*

## SCHEDULE.

Name.	Residence.	Poll Tax (stating years for which due.)	Fees (specifying Services and items)

C. C., s. 363, part. 1907, c. 69, s. 12; 1912, c. 82, s. 12.

## APPEALS FROM SPECIAL TAXES.

Companies,  
etc., may  
appeal.

**401.** In addition to the appeal hereinafter provided for in respect to assessment of property banks and other companies, insurance brokers, and persons sought to be made liable for a poll tax or other special tax may appeal to the court of appeal from any such tax sought to be imposed by the assessors. C. C., s. 364.

## COURT OF TAX APPEALS.

(1.)—*The Court.*

Court of tax  
Appeals, con-  
stitution of.

**402.** (1.) The court of tax appeals shall consist of the solicitor and two persons to be appointed one by the Governor-in-Council and the other by the chief justice of Nova Scotia.

(2.) In the case of illness or absence from the City of any member of the court, or disqualification from interest or other sufficient cause, the mayor shall be substituted for and shall temporarily perform the duties of such member.

(3.) In the event of either member so appointed dying, refusing to act, becoming incapacitated, or being otherwise unable to act, his place shall be considered vacant, and the mayor, who shall have the power to determine such vacancy, shall request the Governor-in-Council or the chief justice, according to the vacancy, to appoint a successor, which appointment shall be forthwith made.

(4.) Every person appointed a member of the court shall continue in office until his successor is appointed.

(5.) The remuneration of each member shall be five dollars for every day he is actually employed, but shall not exceed one hundred dollars in any one year, which shall be paid by the City, together with any actual expenses connected with the sitting of the court.

(6.) The solicitor when present shall preside at all meetings of the court. C. C., s. 365.

**403.** The court shall hear all appeals from assessments and taxes brought before it, and whether made or imposed by the assessors with or without jurisdiction, and its decision, or that of a majority of the members, except as hereinafter provided shall be final. C. C., s. 366. To hear all appeals.

#### (2.)—Sittings.

**404.** (1.) The court shall sit at such times and places as Sittings. are determined by the members of the court, and may adjourn from time to time during the hearing of appeals.

(2.) Notice of the time and place of the first meeting in any year, and every other meeting not an adjourned meeting, shall be duly advertised for such time and in such manner as the members determine, but the court may at any time in its discretion hear an appeal without such notice by consent of the person appealing. C. C., s. 367.

#### (3.)—Subpœnas.

**405.** The court may at any time issue subpœnas for the attendance of witnesses before the court, to be signed by any member thereof, and any person who disobeys such subpœna shall be liable to a penalty of not less than five nor more than fifty dollars. C. C., s. 368. May issue subpœnas.

#### (4.)—Appeals out of Time.

**406.** (1.) When owing to absence from the City, illness or other sufficient incapacity, or failure by the assessors to give a notice of the assessment, any person is unable to make the necessary sworn affidavit for an appeal required by this Act, Appeals out of time.

such person may make and file such sworn statement or affidavit within fourteen days after his return or recovery from illness or other cessation of the incapacity, or from his first learning of the assessment, upon filing with such sworn statement or affidavit a supplementary affidavit or affidavits establishing the fact of such incapacity or failure to give such notice.

(2.) In the event of any such incapacity continuing until the death of such person, an heir, executor, administrator, devisee, or other person directly affected by the assessment complained of, may make and file the sworn statement or affidavit for appeal upon filing with the same a supplementary affidavit or affidavits establishing the fact of such incapacity and the continuance thereof, and accounting for the delay after the date of such death.

(3.) If such supplementary affidavit or affidavits are sufficient in the opinion of the court it shall hear the appeal, notwithstanding the sworn statement or affidavit for appeal was filed out of time.

(4.) No appeal in respect to the assessment made in any civic year shall be entertained under this section after the tenth day of March in that year. C. C., s. 369.

(5.)—*Hearing Appeals.*

Procedure on  
hearing  
appeals.

**407.** (1.) The court shall take up the appeals in such order as it determines, and may make up a list showing such order, and it shall hear and determine such appeals with as little delay as is reasonably practicable.

(2.) The chairman shall administer the witness' oath to each witness who is examined.

(3.) The court shall hear and determine the objections of or on behalf of every one who has appealed—

(a) to the valuation or assessment which has been made in respect to or upon such person, or the property of such person, or

(b) in the case of property of a firm, minor, married woman or deceased person, or other trust estate, to the valuation or assessment which has been made in respect to such property. C. C., s. 370.

(6.)—*Powers of Court.*

Powers of  
Court.

**408.** The court, after hearing the persons who have appeared before them, and the witnesses produced, and after viewing the premises or property in any case in which it thinks right so to do, may—

(a) reduce, annul, increase or alter, so as to meet the ends of justice, the valuation and assessment appealed

against, and determine the true amount and valuation on which the property should be rated;

- (b) give such judgment as to law and justice appertains.  
C. C., s. 371.

**409.** The court shall also have power, and it shall be its duty, whether upon appeal or the application of the assessors or the City, or on its own motion—

Further powers and duties.

- (a) when property has been valued or assessed in the name of any person other than the owner or proper person under this Act, to direct such valuation or assessment to be transferred to such owner or proper person, and the assessors shall thereupon make such transfer in their books and give notice of such valuation or assessment to the transferee, who may, within fourteen days from such notice, appeal to the court from such valuation or assessment;
- (b) when the assessors, through ignorance or mistake, have assessed any property by law exempted from taxation, to annul such assessment at any time;
- (c) when any property of any person has been assessed more than once for the same general assessment, to annul the assessment improperly made;
- (d) to correct any clerical errors made by the assessors, provided such corrections are made before the first day of May in that year. C. C., s. 372.

*(7.)—Reserved Case.*

**410.** (1.) The court may, at the request of any person who has appealed, or of its own motion, state a case in writing on any question arising before such court for the opinion of a judge of the supreme court in chambers at Halifax.

Case reserved for Supreme Court.

(2.) Such case shall be signed by the solicitor, and shall be forthwith filed with the prothonotary of the supreme court.

(3.) Either the person appealing or the solicitor may bring on the case for hearing before the judge, and shall give three days' notice to the other of the hearing.

(4.) The decision of the judge shall be given within twenty days after such case has been heard. C. C., s. 373.

**411.** The judgment of the court of tax appeals, or of the judge, upon a case reserved, shall be carried out by the assessors, who shall make the necessary amendments in the books of assessment or other books and documents kept by them to comply with such judgments. C. C., s. 374.

Judgment of court to be carried out by assessors.



## ASSESSMENT CONCLUSIVE.

Assessment or judgment on appeal, of what conclusive.

**412.** (1.) The assessment as fixed by the court of tax appeals, or by the assessors if there is no appeal, in respect to any property, real or personal, shall be conclusive of the following matters:—

- (a) that the person or estate assessed was properly assessed in respect to such property;
- (b) that the valuation in respect to such property was the proper valuation, and
- (c) that the assessors had jurisdiction to make such assessment.

(2.) In case of an appeal, the court of tax appeals shall be deemed in any court where the matter is brought in question, to have had jurisdiction in respect to such appeal if its jurisdiction might have depended upon any question of facts determinable by the court of tax appeals. C. C., s. 375.

## THE RATES.

Striking the rate.

**413.** The assessors shall estimate as correctly as may be the probable amount to be yielded by the taxes payable by the banks, by special taxes on companies and others, and other special taxes, and shall add thereto the amount estimated for poll tax as by this Act provided and, after deducting the amount so arrived at from the total sum required, shall, in respect to the amount of the balance, fix a rate of so much on the dollar of the assessed value of the property assessed on the assessment books as will produce that amount. C. C., s. 376.

## RATE BOOK.

The rate book.

**414.** (1.) The assessors shall make up a rate book showing the rates and taxes for the City, in which there shall be distinctly shown—

- (a) the amount rated upon each person, firm, estate or company;
- (b) the amount of any specific tax;

(2.) They shall prepare and keep a complete register containing the name of every person liable to pay a poll tax. C. C., s. 377.

How signed.

**415.** The chief assessor, or in case of his absence or illness, one of the assessors, when such book is so made up, shall sign the same. C. C., s. 378.

## VERIFICATION OF RATE BOOK.

**416.** (1.) The assessors shall each subscribe and take in And verified. respect to such books the following oath, which may be administered by the mayor or any controller or alderman in the presence of the clerk:—

“We (names and offices) do hereby solemnly swear (or affirm) that the (books marked A, B, C, D, identified) contain a full and true list of the names of all persons, firms, estates or companies, known to us who are liable to rates and taxes in the City of Halifax for the year commencing the first day of May next, and that the real and personal property contained in the said list and assessed to each person, firm, estate or company, in the said list, is a full and accurate assessment of all the property of each person, firm, estate or company liable to taxation at its full assessable value according to our best knowledge and belief.”

(2.) In the case of absence or illness of any, or any two of the assessors, the others or other of them shall subscribe and take such oath. C. C., s. 379.

**417.** The assessors having completed such book shall Book to be delivered to collector. deliver the same to the collector. C. C., s. 380.

## NOTICE TO PAY RATES AND TAXES.

**418.** The assessors shall, on or before the first day of May, Tax bills to be delivered to collector. make out and deliver to the collector the notices requiring payment of the rates and taxes for every person or company liable to pay rates or taxes. C. C., s. 381.

**419.** (1.) The collector shall thereupon serve each per- And sent out by him. son or company with a notice requiring the payment to him of the rates and taxes due by such person or company.

(2.) Such service may be made—

- (a) by delivering such notice at the office, place of business or residence of such person, or to an agent of such person, or if it is a company, by delivering the same to such company, its officer, clerk or other agent, or
- (b) by mailing it through the post office addressed to such person or company, or the agent of either, with the postage prepaid.
- (c) if the person is a non-resident whose address is unknown to the collector, by publication of such notice in a newspaper published in the City.

(3.) The entry of the collector or a sub-collector, or of his initial to such entry, of the fact of such delivery or mailing made at the time or directly afterwards, shall be sufficient evidence in any court of such service.

(4.) Such notice may be in the following form, or to the like effect:—

“Halifax, . . . . ., 19....

“You are hereby notified that you are rated (and taxed) for the year “19...., for City purposes, for the sum of . . . . . dollars, “which you are required to pay within thirty days from the first day of “May, 19...., or proceedings may be taken to enforce payment, together “with all costs and expenses of collection. Two per cent. will be taken off “the amount of rates due in respect to any one property, if such rates are “paid before the 31st day of July, 19...., and after the 30th day of “September, 19...., interest at the rate of one half per cent. per month “will be added to any amount remaining unpaid.

A. B., City Collector.”

C. C., s. 382.

#### PROPERTY OF FIRMS, MINORS, MARRIED WOMEN, TRUST ESTATES AND JOINT TENANTS.

Partnership  
property—  
how assessed.

**420.** Partners in business may be assessed under the name of the firm in respect to partnership property in the same way as individuals, and the notices of valuation and to pay the rates and taxes and all other notices required by this Act for the collection of rates and taxes, if given to either partner, or to any ostensible agent of the firm, shall be valid and binding on the firm and the members thereof. C. C., s. 383.

Trust proper-  
ty, etc.

**421.** The assessors may assess—

- (a) the property of a deceased person under the control of an executor, administrator or trustee;
- (b) the separate property of a married woman;
- (c) the property of a person under the age of twenty-one years, or
- (d) property in any way under the control of an agent or trustee,

in the name of the principal person or persons ostensibly exercising control over such property, but under such description as will keep such assessment and the rating separate and distinct from any assessment and rating on such person or persons in respect to property held in his or their own right. C. C., s. 384.

Undivided  
real property  
of deceased  
persons.

**422.** (1.) The undivided real property of a deceased person may be assessed to his heirs or devisees without designating any of them by name until notice is given to the assessors of a division of such property into shares and the names of the persons to whom the shares are respectively allotted.

(2.) Until such notice is given, the heirs and devisees shall be severally liable for the whole rate upon such property, and if any of them pays it he shall be entitled to recover from the other heirs or devisees the respective portions of the said

rate due by them, and the same shall constitute a preferential charge on the property, which may be enforced by an action for the sale thereof. C. C., s. 385.

**423.** The real property of a deceased person, the right or title to which is doubtful, or is unascertained by reason of litigation concerning the will of the deceased, or the validity thereof, or otherwise, may be assessed in general terms to the estate of the deceased, and the rate upon such real property shall constitute a lien upon such property and may be enforced by the sale of the same or a part thereof as provided for enforcing other liens for rates or taxes upon real property. C. C., s. 386.

Property with doubtful title.

**424.** Personal property owned by any person under twenty-one years of age, or of unsound mind or under guardianship may be assessed in the name of the guardian, and the service of notices in respect thereof shall be made upon such guardian. C. C., s. 387.

Personalty of minors or imbeciles.

**425.** (1.) After probate or letters of administration are granted, personal property of a deceased person shall be assessed to the executor or administrator until he gives notice that the estate has been distributed and paid over to the persons interested therein.

Personalty of persons deceased.

(2.) Before such probate or letters are granted, it shall be assessed in general terms to the estate of the deceased, and the executor or administrator subsequently constituted by such probate or letters shall be liable for the rate in respect to such property in like manner as if the property had been assessed to such executor or administrator. C. C., s. 388.

**426.** (1.) While any real or personal property within the City of any deceased person remains in charge of or under the control of executors, administrators, trustees or guardians, notices of the valuation, of the rate payable in respect to such property, of the sale in case of real property for rates and taxes, and all other notices required by this Act, may be given to such executors, administrators, trustees or guardians, or any one of them.

Notices to be sent to executors, etc., in certain cases.

(2.) Where any ratepayer whose property has been valued by the assessors under this Act dies before the assessments and taxes have been fixed and adjusted or paid by him, any notice may be served upon the executors, administrators, trustees or guardians having control of the property, or any one of them, and if there is no executor, administrator or trustee immediately ready to be served with such notice, publication thereof in a newspaper published in the City shall be sufficient. C. C., s. 389.



Property held  
by more than  
one person,  
notice to any  
one sufficient.

**427.** Where any property, real or personal, belongs to more than one person, whether the same is owned by co-partners or tenants in common, or is held or is in charge of executors, administrators, trustees, devisees, co-heirs or guardians, the notices of the valuation of the rate payable in respect to such property, and every other notice required by this Act, and the service thereof and every proceeding under this Act for the assessment, levying, enforcing and collection of the rates and taxes shall be sufficient and valid if such notices are actually served on, as hereinbefore provided, or come to the notice of, any one of the persons to whom it so belongs, or are left on the property assessed, and notwithstanding such notices and such proceedings do not include the names of all of such individuals, and notwithstanding any errors, omissions or mistakes in the name or names of the person or persons to be rated, provided that the property itself intended to be rated is sufficiently designated or pointed out in such notices to enable the parties to ascertain the subject of such rate. C. C., s. 390.

Any person  
who may be  
served, may  
appeal.

**428.** Any person who, under the preceding provisions, may be served with the notices required by this Act as a representative of the property, or otherwise, may make the sworn statement or affidavit for appeal to the court of tax appeals, and shall have the same rights, powers and liabilities in respect to the said assessment as an absolute owner of the property. C. C., s. 391.

#### BUSINESS COMMENCED OR GOODS IMPORTED AFTER ASSESSMENT.

Person be-  
ginning busi-  
ness after  
regular as-  
sessment.

**429.** (1.) Every person who commences business of any kind in the City whose stock has not been assessed at the previous general assessment, or been taxed, shall give notice in writing to the assessors of his doing business.

(2.) The assessors shall forthwith assess the stock of such person in the same way and at the same rate as other persons are assessed in the general assessment, and shall make a return of the same to the collector, who shall collect the amount as all other taxes are collected.

(3.) Any person so commencing business who does not give such notice shall be liable to a penalty not exceeding forty dollars, and in default of payment, imprisonment for not less than thirty days, nor exceeding ninety days.

(4.) The penalty may be remitted by the magistrate if it appears at the trial that such person did not wilfully omit to give such notice.

(5.) Whether such notice is given or not, the assessors shall assess and notify such person commencing business after the general assessment has been made. C. C., s. 392.

**430.** Every auctioneer, broker or agent, who—

(a) imports or receives on consignment from any place Goods im-  
ported after  
assessment.  
out of the province any personal property, or

(b) receives from any person, firm or company within the province any personal property which has been imported into the province for the purpose of selling the same, and upon which no rates have been paid in any other part of the province,

shall, in respect to such property, be deemed to have commenced business under the provisions of the next preceding section, and shall be personally responsible for city rates in respect thereto. C. C., s. 393.

**431.** The assessors shall, in making any assessment under the two next preceding sections, rate such personal property at the rate fixed for the current civic year, and the person assessed shall be served with a notice of the amount of the rates due in respect to the said goods, which shall thereupon become due and payable. C. C., s. 394. Procedure in  
such case.

**432.** If such person is dissatisfied with the amount of the rates levied on the said goods, he shall first pay the same and shall thereupon have the right to appeal against the assessment as in other cases under this Act, and the amount of any reduction in such rates made by the court of tax appeals shall be returned to him when the appeal is determined. C. C., s. 395. Appeal.

#### OBTAINING INFORMATION.

**433.** (1.) Every person assessable for real or personal property, or liable to a tax, and the officers of every company so assessable or liable, shall furnish, when requested, all information which is sought by any of the assessors in the discharge of his duties under this Act. Information  
to be fur-  
nished as-  
sessors.

(2.) Every keeper of a hotel or boarding or lodging house, and every master and mistress of a dwelling house or tenement, shall furnish, when requested by any of the assessors in the discharge of his duties, the names of all persons residing therein.

(3.) Every person who refuses to furnish any information required by this section to be furnished, or knowingly gives false information, or refuses to allow the assessors in the discharge of their duties to enter in or upon the property or premises owned or occupied by him, or, in the case of a company, by the company, shall be liable to a penalty not exceeding twenty dollars. C. C., s. 396.

#### ALTERATION IN FORMS.

**434.** Any form provided in this Part of this Act may from time to time be altered by resolution of the Council. Form may  
be altered. C. C., s. 397.

## COLLECTIONS.

Taxes to  
come due  
31st May.

**435.** All city rates and taxes shall become payable on the thirty-first day of May in each year. C. C., s. 398.

Discount for  
payment  
before 31st  
July.

**436.** (1.) If the rates due in respect to any one property are paid on or before the thirty-first day of July in the year in which the same fall due, there shall be allowed a discount for such payment of two per cent. on the amount of such rates, to be deducted by the collector when the same is paid.

Interest after  
1st September.

(2.) If such rates are not paid on or before the thirtieth day of September in such year, interest shall be paid thereon, or on such part thereof as is unpaid, at the rate of one-half per cent. per month, including the month within which payment is made, until the whole amount is paid; and payment of such interest may be enforced by the same remedies as in the case of rates and taxes. C. C., s. 399.

Collector to  
take pro-  
ceedings to  
collect taxes.

**437.** The collector shall, immediately after the thirty-first day of May, take proceedings to recover the amounts due for rates and taxes, and may enforce the payment thereof—

- (a) by the issue of warrants of distrain and the seizure and sale thereunder of any goods and chattels, or
- (b) by action in the name of the City as if they were a debt due to the City, or
- (c) by both forms of remedy. C. C., s. 400.

May proceed  
before 31st  
May.

**438.** Where the collector has reasonable cause to believe that any person who has been assessed is about to leave the City before the said thirty-first day of May, the collector may forthwith either distrain upon the goods or chattels of such person, or proceed against such person by a writ of *capias* or order to arrest, and in such case the rates and taxes of such person shall be deemed to be due to the City as soon as the rate for the year is ascertained and fixed by the assessors, although the thirty-first day of May has not elapsed. C. C., s. 401.

Judicature  
Act rules to  
apply.

**439.** The rules of the Judicature Act and other provisions in force relating to absconding or absent debtors, and to foreign companies or bodies corporate, shall apply to rates or taxes due to the City as to an ordinary debt due by any person, absconding or absent, from the province, or by any company under the conditions mentioned in such rules and provisions. C. C., s. 402.

Taxes due  
by estates  
of deceased  
persons.

**440.** Rates and taxes assessed upon or due in respect to property of a deceased person, whether due before his death or assessed or rated subsequently, may be recovered by warrant of



distrain against his property, or in an action, as for a debt due to the City, against his executors or administrators or trustees, or any one of such executors, administrators or trustees, and in such case no objection shall be allowed on account of the non-joinder of the others of them. C. C., s. 403.

**441.** Where an individual or a firm indebted to the City for rates or taxes makes a general assignment of assets for creditors, or is otherwise unable to pay liabilities in full, or the individual dies and his estate is declared insolvent in the court of probate, and the collector in any such case can find no property on which to distrain for rates or taxes, he may, on behalf of the City, assent to the terms of any such assignment or accept a dividend from the estate on account of such rates or taxes. C. C., s. 404.

**442.** (1.) The collector may issue a general warrant of distrain for the collection of rates and taxes against persons who have not paid the amounts due by them, or against any one or more of them, directed to his bailiffs or sub-collectors and made returnable in such time as the collector directs.

(2.) Such warrant may be in the form following, or to the like effect:—

(WARRANT.)

CITY OF HALIFAX.

To A. B., bailiff, or any other of the bailiffs, or sub-collectors of rates and taxes of the City of Halifax.

*Whereas*, by assessment and rate, made in conformity with law, the persons named in the schedule hereto annexed have been assessed and rated for city rates and taxes for the year 19...., and the sums set opposite their names in such schedule remain unpaid, and are due to the City of Halifax for such rates and taxes, these are therefore to require and command you forthwith to make distress of the goods and chattels of the persons mentioned in such schedule hereunto annexed severally, and if within the space of five days next after such distress by you taken, the sums in the said schedule set opposite their respective names, together with the necessary charges of taking and keeping the distress, are not paid by each of them respectively, that then you do sell the goods and chattels of such of them as have not paid such sum set opposite to his name, with the charges as above mentioned; and out of the moneys severally arising from such sales, you do forthwith pay over the sums so due by them respectively to me; and that you do render to the owner of the goods respectively, upon demand, the surplus (if any) remaining from the sale thereof, the necessary charges of taking, keeping and selling the distress being first deducted; and if no such distress can be made, that you then certify the same to me. Herein fail not, and make due return to me of your doings under this warrant within .....days from the date hereof.

Given under my hand at Halifax, )  
 this ..... day of ..... )  
 A. D. 19.... )

.....  
*Collector of Rates and Taxes.*



SCHEDULE REFERRED TO IN THE FOREGOING WARRANT,  
DATED ....., 19....

Name	Description and place of Residence or Business.	Amount due for Rates and Taxes.

Duties of  
bailiff.

**443.** (1.) The bailiff or sub-collector to whom such warrant is entrusted, shall forthwith execute the same as thereby commanded.

(2.) The property seized thereunder may be removed to any place for safe-keeping.

(3.) If a distress or seizure is sold for more than the amount due for rates or taxes and the charges of taking, keeping and sale, he shall return the surplus to the owner upon demand, with an account in writing of the sale and charges.

(4.) He shall make a return of his doings under the warrant to the collector within the time limited therein. C. C., s. 406.

Share in  
company—  
how levied  
on.

**444.** (1.) The seizure of a share or other interest in a corporation may be made by leaving with the president, cashier, manager, or other principal officer of the corporation, a copy of the warrant, with a statement thereon, under the hand of the collector, of the amount due by the holder of the share or other interest for rates or taxes, and setting forth that upon his neglect or refusal to pay, the collector has seized such share or interest, and such share or interest shall be forthwith subject to a lien for such amount taking precedence of all other transfers.

(2.) The sale of such share or interest shall be made in the manner prescribed by law for the sale of goods and chattels for rates or taxes.

(3.) The transfer to the purchaser of such share or interest by the person executing the warrant shall be as effectual as if made by the holder of the share or interest, and shall be entered in the books of the corporation against such share or interest. C. C., s. 407.

Coin, debentures, etc.

**445.** Coin, debentures, bank notes, bills of exchange, promissory notes, cheques, bonds, mortgages and other choses in action may be seized under such warrant, and the amounts

thereof realized, in the same manner as they are seized and the amounts realized by a sheriff under execution against a debtor. C. C., s. 408.

#### LANDLORD'S DISTRESS FOR TAXES.

**446.** (1.) Where any lease or agreement in writing provides that the tenant is to pay all rates or taxes in addition to the rent fixed in the said lease, and the landlord pays such rates or taxes, he shall have the right to distrain upon the personal property of the said tenant for the same if he has first served the tenant with a notice in writing demanding the payment of such rates or taxes ten days before distraining for the same, and may sell the said personal property after at least three days' advertisement of such sale. Landlord's rights.

(2.) If the personal property of the tenant is removed from the premises after the service of such notice, the landlord may follow and distrain and sell the same as herein provided. C. C., s. 409.

#### LIEN ON REAL AND PERSONAL PROPERTY FOR RATES.

**447.** Rates and taxes rated or imposed in respect to any real property shall constitute a special lien on such real property having preference and priority over every claim, lien, privilege, or encumbrance of any person except the Crown, and shall not require registration to preserve it. C. C., s. 410. Lien for rates.

**448.** The lien upon real property for rates and taxes shall not, except as hereinafter provided for, extend beyond the period of three years from the time when such rates are due and payable, unless within that time such real property has been advertized and sold for the payment thereof, and a certificate of such sale has been given by the collector under the provisions of this Act. C. C., s. 411. Lien on real property for three years.

**449.** The personal property of every person or company shall be liable for the full amount due by such person or company to the City for rates and taxes, and such rates and taxes shall constitute a lien on such personal property during the civic year for which they are rated or imposed in preference and priority to and notwithstanding any assignment, mortgage or other conveyance of, or claim or lien for rent, or other claim or lien upon such personal property, or any judgment entered against such person, or any execution, warrant, attachment, or other process issued or levied to bind such property. C. C., s. 412. Personal property liable for all taxes—lien for one year.

**450.** (1.) No personal property of any person or corporation shall be taken possession of or removed by virtue of any assignment, mortgage, or other conveyance, or claim or lien for Priority for taxes over execution.

rent, or other claim or lien, or any execution, warrant, attachment, or other process, unless the holder of such conveyance, claim or lien, or the person suing out such process, before taking possession of, or removing such personal property, pays all the rates and taxes for the then current year due by such person or corporation.

(2.) The sheriff, or his deputy, or other officer executing such process, or the person distraining for rent under warrant of distress, shall levy and pay to the collector such rates and taxes in preference to the satisfaction of such process or warrant of distress.

(3.) The holder of every such conveyance, claim or lien, or the person suing out such process, and every person assisting him, and every other person taking possession of or removing such personal property, shall be liable to an action for the amount so due to the City for rates and taxes if he does not pay such amount within two days after such taking possession or such removal, and any property so taken or removed, may be distrained upon by the collector, notwithstanding such taking or removal. C. C., s. 413.

When lien  
attaches.

**451.** (1.) The lien for rates and taxes on real and personal property shall operate and attach upon the same respectively from the date of the oath subscribed by the assessors in respect to the rate book mentioned in this Act.

(2.) Rates or taxes rated or imposed afterwards either in the case of—

- (a) stock of goods of a person commencing business after the general assessment, or goods imported or received by an agent as provided in this Part, or
- (b) property omitted by accident or error from the general assessment as provided in this Part, or
- (c) any property or person liable by law to be assessed, rated or taxed, where they have not been assessed, rated or taxed, or
- (d) any re-assessment or retrospective assessment or rating provided for by this Act

shall constitute a lien thereon from the time they are entered in the proper books of the assessors or collector. C. C., s. 414.

#### SALES AND LIENS.

##### (1.)—*List of Delinquents.*

List of  
delinquents.

**452.** (1.) The collector shall, on or before the thirty-first day of December in each year, prepare a list of all lots of land in respect to which any rates or taxes have been due since the first day of June in the preceding calendar year with the amount so due and the person by whom they are payable.

(2.) Such list shall be headed "list of lands in the City of Halifax liable to be sold for the arrears of rates and taxes for the year 19....." C. C., s. 415.

**453.** (1.) It shall be the duty of the assessors to carefully examine and correct such list, and in case of any transfer having taken place in respect to any such lot, and the rates and taxes in arrear against the same being due by a former owner, to enter against such lot in red ink the name of the present owner or person to whom the same is assessed. Assessors to revise such list.

(2.) Such list so corrected shall, before the thirty-first day of May in each year, be signed by the assessors, or a majority of them, and returned to the collector, who shall file it in his office for public use. C. C., s. 416.

(2.)—*Notice of Lien.*

**454.** (1.) Upon the notice requiring payment of rates and taxes for the current year in respect to any lot a further notice shall be added, or a separate notice may be given, informing the owner of such lot, or person to whom the same is assessed, that it is liable to be sold for the arrears of rates and taxes under the lien. Notice of lien.

(2.) It shall be the duty of the collector to have any such notice served, and all the provisions in force in respect to the mode of service of a notice requiring payment of rates and taxes shall apply to the service of such notice. C. C., s. 417.

(3.)—*Statements of Lands for Sale and Warrant.*

**455.** (1.) If the rates and taxes upon any such lot of land mentioned in such list, with interest thereon from and after the thirtieth day of September of the year in which they became due and payable, are not paid before the first day of September next after such list is filed, the collector shall submit to the mayor a statement, in duplicate, of all the lots of land in respect to which any rates or taxes have been in arrears for two years, containing a description of each lot with the amount of arrears against it set opposite to the same. Statement of land to be sold.

(2.) Such description shall be a description by metes and bounds, sufficiently definite for the identification of the lot, and it shall be the duty of the solicitor, the engineer, and the assessors, to render such assistance and furnish such information to the collector as is necessary to enable him to make such description. C. C., s. 418.

**456.** (1.) The mayor shall, after satisfying himself that each lot mentioned in the statements is the same lot which was assessed for the rates and taxes set opposite thereto, and is liable Mayor to authenticate same and grant warrant.



therefor, and that the lien notice has been duly served in respect to such lot, authenticate such statement by affixing thereto the seal of the corporation and his signature, and shall deposit one of them with the clerk and shall return the other to the collector annexed to a warrant under the seal of the City and the hand of the mayor, authorizing him to sell such lots for the arrears of rates and taxes against them respectively, with the interest and the expenses.

Forms.

(2.) Such certificate of authentication and warrant shall be in the form following, or to the like effect:—

#### CERTIFICATE OF MAYOR.

I hereby certify that the foregoing statement of all the lands liable to be sold for rates and taxes due in respect to such land for the civic year commencing on the first day of May 19...., pursuant to the provisions of the Halifax City Charter, was on the ..... day of ..... 19...., submitted to me by the collector of rates and taxes; that I have made enquiry and am satisfied that each lot mentioned in the said statement is the same lot which was assessed for the rates and taxes set opposite thereto, and is liable for the same and to be sold for the said rates and taxes, and that the lien notice has been duly served in respect to such lot, and I hereby authenticate the said statement, and a duplicate thereof, by affixing the seal of the City and my signature, this ..... day of ....., 19....

#### WARRANT.

PROVINCE OF NOVA SCOTIA, )  
CITY OF HALIFAX, )

*To the collector of rates and taxes for the City of Halifax:*

*Whereas*, by assessment and rate made in conformity with law, the lots of land and premises mentioned in the statement hereto annexed have become liable to pay the several sums set opposite thereto for city rates and taxes assessed on property in the City of Halifax for the year 19...., which said rates and taxes are still due and in arrears, and payable to the City of Halifax in respect of the said lands, and the said lots are also liable to pay the interest on rates and taxes and the expense of collection, which sums form a lien thereon pursuant to the statute. These are therefore to require and command you forthwith to levy upon the said lands for the arrears of rates and taxes due thereon respectively, with interest and expenses, and in default of payment thereof to sell the said lands, or such portions thereof as are necessary, at public auction after thirty days' notice, pursuant to the statute, and that out of the moneys arising from the sale of each of such lots, or portions thereof, you do retain for the City of Halifax the amount of rates and taxes, interest and expenses, due in respect thereof, and that you do pay the balance, if any, to the accountant-general of the supreme court at Halifax.

Herein fail not, and make a return to me of your doings under this warrant within ninety days.

Given under my hand and the seal of the City of Halifax, this..... day of ....., A. D. 19....

A. B.,  
Mayor.

(Seal)

C. C., s. 419.

Statement  
to be con-  
clusive evi-  
dence.

**457.** The statements signed by the mayor and sealed with the seal of the City in respect to sales of lands for rates and taxes, whether the statement is deposited with the clerk or annexed to the warrant for sale as herein provided, or a copy thereof, or of any portion thereof, shall, in any action or other

proceeding touching the assessment, rating or taxing of the real property therein mentioned, or the title thereto, or in which any of them is brought in question, be received in any court in the province as conclusive evidence of the legality of the assessment, rating or taxing, and that the said rate or tax was due and unpaid, and that each lot of land in any such statement mentioned was legally liable for the amount of rates and taxes set opposite to the same, with interest and expenses, and that the said amount with such interest and expenses formed a lien upon such land. C. C., s. 420.

(4.)—*Advertisement and Sale.*

**458.** (1.) The collector shall, on receipt of the warrant, prepare a copy of the list of lands to be sold. Advertisement of sale.

(2.) He shall add to the amount due for rates and taxes the interest thereon to the date of the proposed sale and the proportion of expenses chargeable to each lot for advertising the same for sale, and the expenses of obtaining a proper description thereof, so that the same may appear in the advertisement.

(3.) He shall cause such list, together with an advertisement of sale, to be published at least thirty days previously to the day of sale, by one insertion each week in two daily newspapers published in the City.

(4.) The amount of rates and taxes, interest and expenses, stated in the collector's advertisement shall in all cases be held to be the correct amount due. C. C., s. 421.

**459.** If at any time appointed for the sale no bidders appear, the collector may adjourn the sale from time to time. Adjournment of sale.  
C. C., s. 422.

**460.** (1.) If previously to the sale the rates and taxes with interest due and expenses are not paid, or if no person pays the same at the time of sale, the collector shall sell by public auction so much of the land as is sufficient to satisfy the same. Collector to sell.

(2.) He shall sell in preference such part of the lot as he considers it best for the owner to be sold first. C. C., s. 423.

**461.** (1.) If the collector fails at such sale to sell any land for the full amount against it, he shall, at such sale, adjourn the same until a day then to be publicly named, not earlier than one week, or later than two months thereafter, of which adjourned sale he shall give notice by advertisement in subsequent issues of the newspapers in which the sale was originally advertised. Re-advertisement.

(2.) On such day he shall sell the lands for any sum which he can realize, and shall accept such sum in full payment of such arrears. C. C., s. 424.

On failure  
to pay pur-  
chase money  
land to be  
resold.

**462.** (1.) If the purchaser of any lot of land fails to pay forthwith to the collector the amount of the purchase money, or such smaller amount as is equal to the amount of the rates and taxes, interest and expenses, and to make provision for the payment within three days of the balance, the collector shall forthwith again put up the lot for sale.

(2.) If such balance is not paid within three days, the land shall again be advertised for sale with the like proceedings as if it had not been sold, and the expense of such re-sale shall be deducted from the amount paid on account by the first purchaser, and his balance refunded to him on demand. C. C., s. 425.

(5.)—*Certificate of Sale.*

Certificate  
of sale.

**463.** (1.) The collector shall, upon payment of any such balance, and within three days after the sale, give a certificate under his hand to the purchaser, describing the land sold, and also stating the sum for which it has been sold.

(2.) The certificate shall also state that a deed conveying the same to the purchaser, or his assigns, will be executed by the mayor and collector on demand and on payment of two dollars at any time after the expiration of one year from the date of the sale, if the land is not previously redeemed.

(3.) The collector shall keep a duplicate of every certificate of sale, which shall be open to the inspection of any person interested in the land therein mentioned. C. C., s. 426.

Rights of  
purchaser.

**464.** The purchaser shall, on receipt of the certificate of sale, become the owner of the land so far as to have all necessary rights of action and powers for protecting the same from spoliation or waste, until the expiration of the term during which the land may be redeemed, and may from time to time collect rents due, or to grow due, or use the property without diminishing its value, but he shall not cut down any trees thereon, or injure the premises, or knowingly suffer any other person to do so. C. C., s. 427.

His liability.

**465.** The purchaser shall not be liable for damage done without his knowledge to the property during the time the certificate is in force. C. C., s. 428.

(6.)—*Purchase Money.*

Application  
of purchase  
money.

**466.** (1.) The collector shall, out of the purchase money received for each lot, deduct the amount of the arrears of rates

and taxes, with the interest and expenses for which the lot is liable, as shewn by the list advertised, and also all rates and taxes assessed on or in respect to such lot for the subsequent years and due at the time of the sale, and shall pay the balance (if any) to the accountant-general of the supreme court.

(2.) He shall, at the same time, furnish the accountant-general with a certificate of sale, and such balance shall be paid out and distributed as directed by a judge of the supreme court on a summary application, according to the practice used after sales of land by the court in respect to surplus proceeds in the hands of such accountant-general. C. C., s. 429.

(7.)—*Redemption.*

**467.** (1.) The owner of any land so sold, or his heirs, executors, administrators, or assigns, or any other person having an interest therein, or any person for the benefit of the owner, may at any time within one year from the day of sale, exclusive of that day, redeem the property sold by paying to the collector (who is hereby required to receive the payment) for the use and benefit of the purchaser, or his legal representatives, the sum paid by such purchaser, together with ten per centum thereon. Owner may redeem.

(2.) The collector shall give to the person paying such redemption money a receipt, stating the sum paid and the object of the payment, and such receipt shall be evidence of the redemption.

(3.) A duplicate of such receipt shall be kept in the office of the collector, open to the inspection of any person interested in the land therein mentioned. C. C., s. 430.

**468.** The sum so received by the collector shall be forthwith paid over by him to the purchaser entitled to receive the same, or his legal representative. C. C., s. 431. Application of redemption money.

**469.** From the time of the payment to the collector of the full amount of such redemption money, the purchaser of the land shall cease to have any further right in or to the same. C. C., s. 432. Purchaser's rights to cease on payment.

(8.)—*Deed.*

**470.** (1.) If the land is not redeemed within such term of one year allowed for its redemption, then on the demand of the purchaser, or his assigns, or other legal representatives, at any time afterwards and on payment of two dollars, the collector shall prepare and deliver to him, or them, a deed of such land under the seal of the City and the signature of the mayor and collector then in office. Deed after one year.

(2.) In such deed, any number of lots so sold to him, or them, may be included at his or their request. C. C., s. 433.



(3.) Such deed shall be in the form following, or to the like effect:—

*To all to whom these presents shall come, we ..... of the City of Halifax, esquire, mayor, and ..... of the same place, esquire, city collector of rates and taxes,*

Send greeting:—

*Whereas, by virtue of a warrant under the hand of the mayor and seal of the said City, bearing date the ..... day of ..... in the year of our Lord one thousand nine hundred and ....., commanding the collector of the said City to levy upon the land hereinafter mentioned for the arrears of rates and taxes due thereon, with interest and expenses, the collector of the said City, did, on the ..... day of ....., in the year of our Lord one thousand nine hundred and ....., sell by auction to ..... of the ..... of, ....., in the County of ....., that certain lot or parcel of land hereinafter mentioned, at and for the price and sum of ....., of lawful money of Canada, on account of the arrears of rates and taxes alleged to be due thereon up to the ..... day of ....., in the year of our Lord one thousand nine hundred and ....., together with interest and expenses.*

*Now, know ye, that we, the said ....., and ..... as mayor and collector of the said City, in pursuance of said sale, and of the statutes in such case made and provided, and for the consideration aforesaid, do hereby grant, bargain and sell unto the said ....., his heirs and assigns, all that certain lot or parcel of land in the said City of Halifax, and described as follows:—*

(Description).

*The same appearing to be the property of ..... by deed (or will) dated ....., and registered at Halifax in book ....., page ....., (referring to last registered instrument).*

*In witness whereof, we, the aforesaid mayor and collector of the said City, have hereunto set our hands and affixed the seal of the said City, this ..... day of ....., in the year of our Lord one thousand nine hundred and .....*

A. B., Mayor (corporate seal).

C. D., City Collector.

Signed, sealed and delivered  
in the presence of

C. C., ss. 433, 434.

Deed to be  
registered  
in 15 months.

**471.** Every tax deed shall be registered in the office of the registrar of deeds at Halifax within fifteen months after the sale, otherwise the persons claiming under such sale shall not be deemed to have preserved their priority as against a purchaser in good faith who has registered his deed prior to the registration of such tax deed. C. C., s. 435.

(9.)—*Validity of Deed and Tax Presumed.*

Conclusive-  
ness of deed.

**472.** (1.) Such deed shall be conclusive evidence that all the provisions with reference to—

(a) the proceedings for the sale of the land mentioned in such deed, and

(b) the assessment and rating on such land of the rates and taxes on account of which the same was sold, have been duly complied with, and that every act and thing

necessary for the perfecting in law of such rate or tax, and of such sale, have been duly performed.

(2.) Such deed shall have the effect of vesting the land described therein in the grantee or purchaser, his heirs and assigns, in fee simple, freed and discharged from all encumbrances whatsoever, whether registered or not.

(3.) Any such deed in such form, or to the like effect, as hereinbefore set forth, purporting to be executed under the seal of the City and to be signed by the mayor and collector, shall vest in the grantee therein named, his heirs and assigns, a full absolute and indefeasible estate of inheritance in fee simple to the land therein described.

(4.) Provided that if the interest in the land is that of a lessee of the City, the deed shall vest in the purchaser the estate, interest and right of the original lessee. C. C., s. 436.

ERRORS AND IRREGULARITIES.

**473.** Notwithstanding the rate book has been delivered to the collector, or the lapse of time, the assessors for the time being may assess and tax retrospectively any property or other subject of taxation, the assessment or taxing of which has been omitted from the general assessment by accident or error, or is invalid by reason of any error or irregularity, and may impose any tax so omitted or invalid, and upon any estate or person upon whom it ought first to have been imposed, and such rates and taxes may be collected as other rates and taxes, but any such assessment shall be subject to the like appeal to the court of tax appeals as other assessments:—Provided that after the assessors have fixed the valuation of any property, such valuation shall be altered only by the court of tax appeals. C. C., s. 437.

Retrospective  
assessment  
in case of  
error.

**474.** (1.) No error, informality or irregularity on the part of the mayor or Council, the assessors, the court of appeal, the collector, or other civic officer, shall affect or prejudice the validity of any general or individual assessment made, or of any rate rated, or any tax imposed.

Assessment  
or rate not  
affected by  
error or  
irregularity.

(2.) The invalidity, irregularity, or the quashing, annulling or alteration of any assessment, rate or tax on the application of any person or company by any court shall not extend to, affect or prejudice the validity of any general assessment, rate or tax, or of any other individual assessment, rate or tax. C. C., s. 438.

**475.** (1.) The non-delivery of, or failure to serve, any of the notices required by this Part shall not in any way affect or prejudice the assessment or the rate or tax, or the collection

Or by non-  
delivery of  
notices.

thereof, or the lien upon, or the sale of, any property for the payment of rates or taxes, or any other proceeding to enforce payment thereof.

(2.) Such assessment, rate or tax, shall be valid, notwithstanding such non-delivery or failure, and such rate or tax may be collected and enforced, notwithstanding the City fails to prove the delivery or service of any or all of such notices. C. C., s. 439.

Error in  
person  
assessed.

**476.** (1.) If there is an error in the name of any person assessed, rated or taxed in—

- (a) the books of assessment or rate books, or
- (b) in any of the notices issued by the assessors or by the collector, or
- (c) in any warrant of distraint committed to the sub-collectors or bailiffs, or in any warrant for the sale of land committed to the collector,

the rate or tax assessed to such person may be collected from the person intended to be rated or taxed if he is rateable or taxable, and can be identified by the assessors or collector.

(2.) If the property is assessed to a person who is not liable to be assessed therefor, the rate or tax sought to be imposed on him may be, notwithstanding any lapse of time, enforced against any person who should have been assessed in respect to the said property, or his estate if he is dead, and such property may be retrospectively assessed and rated to him or his estate, and all proceedings therefor shall be amended accordingly, and when so amended, shall have the same effect as if the property had been originally assessed to the person whose name has been substituted, and such rates shall be collected and paid over as other rates, provided that in any such case such person so substituted may, within fourteen days after he learns that he is sought to be made liable, assert an appeal from the assessment to the court of tax appeals, and if a sitting of the court cannot be held, the Council may hear and dispose of such appeal and may correct any error which has been made. C. C., s. 440.

Error not to  
affect lien.

**477.** (1.) Notwithstanding any such error, informality, or irregularity, failure to serve any notice, error in name, or assessment to a wrong person, or other non-observance of the provisions of this Act in respect to any year, the rates against every lot of land as ascertained by the assessors' valuation of such lot, and the rate struck by them for such year respectively, shall, unless the rates are paid, be deemed to constitute a valid lien under this Part against the said lot.

(2.) This section shall apply to liens of every description and kind under this Part. C. C., s. 441.



**478.** (1.) If any person objects to any assessment, rate or tax affecting him, the court before which the investigation takes place, or objection is made, shall not in any event annul or set aside the whole assessment, rate or tax, but may make an order reducing the amount of the assessment, rate or tax, to what in justice it ought to be, and the amount of the assessment, rate or tax, so reduced, shall be deemed valid, and shall stand confirmed, and judgment to recover the amount of any such rate or tax may be given in favor of the City in any proceeding to which the City and such person or persons are parties.

Court may adjust assessment.

(2.) Such power shall in no case be exercised by the Council. C. C., s. 442.

**479.** Where any real or personal property is sold for rates or taxes and the sale is set aside for any error, irregularity, or for any cause, the lien thereon shall not thereby be discharged, but the said property may again be resold, unless the rates or taxes against the same are paid. C. C., s. 443.

Lien not affected by irregular sale.

## SUPPLEMENTAL.

**480.** Notwithstanding anything in the preceding provisions of this Part, in any case in which the rates or taxes are unpaid for one year, and the person or company is insolvent, the collector may, in his discretion, sell the land of such person or company for such rates or taxes in the manner provided in this Part. C. C., s. 444.

Land of insolvent may be sold after one year.

**481.** Any mortgagee, judgment creditor, or other person having any lien, charge or encumbrance upon or against any land liable to be sold for rates or taxes, or in respect to which any rates or taxes are due, may at any time after a lien for rates or taxes in respect to such land has attached under the provisions of this Act, pay the amount thereof, together with all interest and expenses to the collector, who shall give a receipt to him therefor, and thereupon such mortgagee, judgment creditor or other person may add the amount to his mortgage, judgment or other security, and shall have in respect thereto the same rights, remedies and privileges against such land as he has by virtue of or under the security held by him, and shall also have the right to sue for and recover as in an action for debt the amount so paid, together with interest thereon, against the person primarily liable to pay such amount. C. C., s. 445.

Mortgagee, etc., may pay taxes.

**482.** Every official of the City who is interested directly or indirectly in the purchase of any real or personal property sold for the payment of rates or taxes shall be liable to a penalty of four hundred dollars, and to forfeit his office or place. C. C., s. 446.

City officials not to buy at tax sale.



Proceedings  
for sale not  
to abate on  
death, etc.,  
of officials.

**483.** Proceedings commenced for the sale of land for rates or taxes under the provisions of this Part may be carried on and completed, and a deed thereof executed and registered, notwithstanding the mayor or collector in office at the time of the initiation of such proceedings, or of any step therein, have been respectively succeeded in office by others, and notwithstanding any statute under which such proceedings were commenced or carried on is repealed before the completion thereof and a deed is executed and registered. C. C., s. 447.

#### WATER RATES.

##### (1.)—*Power to Rate.*

Council to  
levy water  
rates.

**484.** The Council shall have power to levy and assess upon the lands and premises, and the owners thereof, as hereinafter provided, for a sum not exceeding seventy-two thousand dollars per annum for the maintenance of a water supply for the City, and the other charges in respect to the same. C. C., s. 448.

Board of  
Control to  
prepare  
estimates.

**485.** The Board of Control shall prepare the estimates for each year in connection with the necessary expenditure for such purposes, and such estimates shall be subject to the approval of the Council. C. C., s. 449.

##### (2.)—*General Rates.*

How rated.

**486.** (1.) After deducting the estimated revenue to be derived from extra or special rates and taxes, and rates for water supplied through meters, for any year from the estimated expenditure for that year, the balance shall be rated by an equal dollar rate upon the following lands and premises in the City in the proportions following, namely:—

(a) Five-eighths of the amount required shall be rated upon the value as assessed of all lands and premises within the water pipe lines, including those within twelve hundred feet of a fire hydrant, for a fire protection rate;

(b) In addition to such fire protection rate, three-eighths of the amount required shall be rated upon the value of every building within such water pipe lines occupied as a dwelling-house and the land used in connection therewith, but not including land which is capable of being used for a separate building lot upon a street.

(2.) No property within such water pipe lines shall be exempt—

(a) from fire protection rates or special rates, or

(b) from domestic rates, if a dwelling-house is erected thereon, unless the same has been unoccupied for six months, and the water turned off for that time.

(3.) No separate and distinct dwelling-house while used as such shall be rated on a lower valuation than nine hundred dollars for fire protection and domestic purposes, nor on a higher valuation than five thousand dollars for domestic purposes only.

(4.) No separate and distinct dwelling-house while occupied as such shall be rated at less than four dollars per annum for all purposes.

(5.) In buildings separately occupied in flats, every separate and self-contained flat shall be deemed a distinct dwelling-house, and rated as such.

(6.) Any property, although lying on the outside of the water pipe lines, shall be deemed to be within the same if it is connected therewith. C. C., s. 450.

**487.** (1.) Every building containing a dwelling-house and shop shall be rated as a dwelling-house, if the valuation of the whole building, including the land, does not exceed two thousand five hundred dollars. Dwelling house defined.

(2.) If it exceeds such sum, such dwelling-house and shop shall be rated separately upon separate valuations to be fixed by the assessors at the request of the collector. C. C., s. 451.

**488.** The clerk shall transmit to the collector a copy of the water estimates as approved by the Council, and such transmission shall be deemed sufficient authority to raise the amount required by rates as herein provided. C. C., s. 452. Estimates to be furnished collector.

**489.** (1.) The collector shall forthwith, after the delivery to him of the rate book for city rates, make up a book of water assessment, and when the same is completed, he shall affix his signature to such book with the date. Water assessment book.

(2.) The valuations of properties for such assessment, and the owners thereof, may be ascertained from the rate book of the assessors for the time being in force, and if it does not contain any valuation required by the provisions of this Part in respect to water rates, such valuation may be fixed by the assessors upon the request of the collector.

(3.) The assessors shall, on request, furnish the collector with all of the information in their power in addition to the information afforded by the rate book, to enable the collector to make up such water assessment book. C. C., s. 453.

**490.** Upon the basis of the valuations entered in such book and the amount to be raised from general rates, the Board of Control shall strike the fire protection rate and the rate for domestic purposes for the year. C. C., s. 454. Rates—how struck.

Rates to be  
extended by  
collector.

**491.** The collector shall extend and set opposite to each property the name of the owner, as shown in the assessors' rate book, and the water rates payable for each of such purposes. C. C., s. 455.

(3.)—*Special Rates.*

Special  
rates.

**492.** (1.) In addition to the general rates for water mentioned in the next preceding section, special and extra rates and taxes shall be levied, rated, imposed and paid as follows:—

- (a) On every building, establishment, premises, or other property owned or occupied by or for the Imperial, Dominion or Provincial Government, or by the Municipality of the County of Halifax, such rate or tax as the Board of Control from time to time deems right and equitable, but this Act shall not in any way affect the agreements now in force in relation to any such property, so long as no change is made in or about the same altering the water supply.
- (b) On every brewery, distillery, mill, machine shop, foundry, hotel, and every other building and establishment in which a large quantity of water is consumed, such rates as are from time to time fixed by the Board of Control for each building or establishment in proportion to the quantity of water consumed.
- (c) On any premises receiving a supply through a pipe of larger diameter than half an inch, or through more than one supply pipe, such additional charge over the general rate as the Board of Control from time to time deems right.

	Per annum.
(d) Water closets, for one closet.....	\$ 4.00
“ “ each additional .....	2.00
(e) Urinals, per annum .....	2.00
“ each additional .....	1.00
(f) Each tap from which water can be drawn in any building other than a dwelling-house.....	.50
(g) Fountains in shops or other buildings for 1-16 inch of jet, or less .....	3.00
(h) Jets from 1-16th to 1-8th inch .....	10.00
(i) Fittings and other fixtures not enumerated herein, to be rated by the Board of Control.	
(j) Steam engines or boilers, per horse power..	3.00
(k) Bar rooms .....	10.00
(l) Livery stables, for each stall occupied.....	1.00
“ “ “ “ vacant stall .....	.50

- (m) Horses, other than those in livery stables,  
each ..... 1.00
- (n) Cows, each ..... 1.00
- (o) For building purposes:
  - (i) Ordinary wooden buildings, 20 cents per  
1000 cubic feet.
  - (ii) Ordinary brick or stone buildings, 30  
cents per 1000 cubic feet.
  - (iii) Wooden buildings, of the warehouse  
class, requiring no plastering therein, 5 cents  
per 1000 cubic feet.
  - (iv) Brick or stone buildings 10 cents per  
1000 cubic feet.
  - (v) When water is used for the purpose of  
repairs to a building and not for the construc-  
tion of a new building, such rate as is from  
time to time fixed by the Board of Control.

C. C., s. 456.

**493.** The Board of Control may fix such rates as they deem right in respect to all fittings and fixtures not specially provided for. C. C., s. 457. Unprovided cases.

**494.** Every owner, or holder of a lease for life, or for a renewable term, or a term exceeding five years, of a wharf within the district supplied with water, shall be rated upon a separate scale to be fixed by the Board of Control when not otherwise fixed by law. C. C., s. 458. Wharf property.

**495.** The Board of Control may make special arrangements as to it seems right for supplying with water shipping in the harbor of Halifax, and fix the rates therefor. C. C., s. 459. Shipping.

**496.** The determination of the Board of Control in respect to any water rate under any of the preceding provisions shall be subject to the approval of the Council. C. C., s. 460 part. Control of Council.

**497.** The special rates to be imposed shall, when ascertained, be entered by the collector in the water assessment book. C. C., s. 460 part. Entry in water assessment book.

**498.** (1.) Any property may be rated for water rates, including domestic rates, subsequently to the completion of the water assessment book, for any portion of a civic year then unexpired according to the proportion which such unexpired year bears to the whole year. Rating for part of year.



(2.) The collector, upon receiving information that any property should be so rated shall, if it is a new dwelling-house, or if he has no valuation applicable to the property as a basis for water rates or for domestic rates, require the assessors to value such property under the provisions of this Act in respect to water rates, and they shall report to him any such valuation, and upon such valuation he shall extend the rates.

(3.) The collector shall, in the water assessment book, make in red ink the necessary entries in respect to any such property, with the date of such entry, and the payment of any water rates so entered may be enforced by the remedies applicable to water rates, but no notice of such rates need be given in the newspapers, if notice is served upon the owner in any mode provided for the service of assessment notices for City taxes.

(4.) Any special or extra rates may be subsequently imposed in the like proportion and with like entries and like remedies. C. C., s. 461.

*(4.)—Water Meters.*

Meter rates.

**499.** (1.) Every owner of property supplied with water through a water meter, in lieu of the rates for domestic purposes or special or extra rates specified in respect to such water in the preceding sections, shall in respect to such water passing through such meter, pay such rates and such annual rental upon the meter, as are from time to time fixed by the Board of Control, and approved by the Council.

(2.) Nothing in this section shall exempt any one from paying fire protection rates. C. C., s. 462.

Book for.

**500.** The collector shall keep in a book, which may be designated the meter rate book, the rates payable by each person or company in respect to water supplied by meter. C. C., s. 463.

Engineer  
may instal  
meters.

**501.** The engineer may, at any time he deems proper, cause a water meter to be placed on any service pipe supplying water to any premises. C. C., s. 464.

And shall in  
certain cases.

**502.** (1.) The engineer shall do so in every case in which any waste of water has not been stopped, after the owner, occupant, or the agent of either, has been notified of such waste, but his decision to do so shall be subject to an appeal to the Council, which may reverse or vary his decision if it is calculated to result in an injustice to such owner or occupant.

(2.) For the purposes of this section, the Board of Control shall keep on hand not more than fifty, nor less than ten, water meters, to be furnished on the requisition of the engineer.

(3.) The engineer shall not, under this section, in any one year, place in all more than fifty meters on service pipes, namely:—twenty-five on those supplied with water from the high service system, and twenty-five on those supplied with water from the low service system. C. C., s. 465.

**503.** (1.) Except as is hereinafter provided, the engineer shall, whenever requested by the owner of any property, place a water meter on any service pipe supplying water to such property, and for such purpose the Board of Control shall keep on hand a sufficient number of such meters. Installation by request.

(2.) The engineer shall not be required to place a meter under the provisions of this section on any service pipe for the supply of water to be used in any building operation, and on an application for a supply of water for such purpose, the engineer shall report to the Board of Control, whether it will be more advantageous to the City to place a meter on such pipe or to require the water to be paid for at the fixed rate, and the Board of Control shall direct a meter to be placed or require the water to be paid for at such fixed rate in accordance with such report. 1909, c. 84, s. 3. Building purposes.

**504.** Every meter shall be read monthly by a city official, who shall leave with the owner of the property, or occupant thereof, or the agent of either, a record showing the amount of water consumed, or the amount consumed since the last reading, where there has been a previous reading. C. C., s. 467. Meters to be read monthly.

**505.** If the meter, in the opinion of the Board of Control, fails to register correctly the water passing through it, such Board shall determine the probable amount of water consumed, and fix an adequate charge for the same. C. C., s. 468. Inaccurate meter.

**506.** The occupant of the premises shall be responsible for the care of any meter installed in respect to the same, and if any person removes any meter or injures or tampers with a meter in any way, such occupant shall be liable upon summary conviction to a penalty of not less than ten dollars, nor exceeding one hundred dollars, or in default of payment, to imprisonment for a term not less than ten days nor exceeding three months. C. C., s. 469. Responsibility of occupant.

**507.** Any one wishing to supply a meter for his own property may do so upon the approval of such meter by the engineer, and the sanction in writing of the Board of Control. C. C., s. 470. Private installation.

Reductions  
in amounts  
charged by  
meters.

**508.** (1.) Subject to the conditions hereinafter provided, the Board of Control may make a reduction of the amounts charged to any person for water which has passed through a meter.

(2.) No such reduction shall be allowed unless the Board of Control is of the opinion—

(a) that the amount of water charged for was in excess of that which was fairly required by the owner or occupant of the premises in respect to which the same is charged, and

(b) that such excess has passed through the meter by reason of unavoidable accident or otherwise, without the negligence, default or failure to use proper care and precaution on the part of the owner or occupant of such premises.

(3.) Any claim for any such reduction shall be made in writing to the Board of Control, within one month after the record of water consumed for the month in respect to which the reduction is claimed has been delivered to the owner or occupant of the premises, or the agent of either, and such writing shall set out fully the nature of the accident or other cause on which the claim is founded.

(4.) The engineer shall investigate the matter of such claim and report in writing whether the same is well founded, and whether or not the same should be allowed, and the extent of such allowance.

(5.) Upon such report the Board may—

(a) refuse to allow the claim, or

(b) recommend the allowance of it in whole or in part, and on such terms and conditions as the Board sees fit to impose.

(6.) If the Board unanimously resolves not to allow the claim in whole or in part, such resolution shall be final, but if such resolution is not unanimous such resolution of the majority of the Board shall, on the application of the claimant, be referred to the Council.

(7.) Any resolution of the Board recommending the allowance of any claim for reduction, in whole or in part, shall be sent by the Board to the Council.

(8.) Nothing in this section shall authorize the remission in respect to any premises of the amount rated thereon for fire protection.

(9.) Except as in this section provided, no reduction or allowance in respect to any water rates shall be made or given. 1909, c. 84, s. 6.

*(5.)—Collection and Enforcing Payment and Lien.*

**509.** Water rates in respect to water supplied through a meter shall become due and payable half-yearly on the first days of April and October in every year, and accounts therefor may be rendered upon such dates, and payment of the amounts due may be enforced in like manner as other water rates. C. C., s. 471. When meter rates payable.

**510.** All other water rates shall become due and payable half-yearly, in advance, on the first days of May and November in every year. C. C., s. 472. When other water rates payable.

**511.** (1.) The collector may, at any time after water rates, other than meter rates, become due, cause a general notice to be inserted in any two of the newspapers published in the City, requiring all persons to pay their water rates within a period of ten days from the date of such notice, and such general notice shall be deemed as effective as a personal notice served upon each person in respect to his water rates. Notice to pay water rates.

(2.) The collector may also render an account to each person of the amount demanded from him for water rates, but no person shall be entitled to the same before payment. C. C., s. 473.

**512.** After the expiration of such ten days, if the rates remain unpaid, the collector may— How payment enforced.

- (a) cause the water to be turned off from the premises in respect to which the water rates are payable until the same are paid, and
  - (b) take such legal proceedings for the purpose of recovering the same as in his judgment seem advisable.
- C. C., s. 474.

**513.** (1.) He may issue a general or individual warrant of distraint for water rates against persons who have not paid the same, and may collect and enforce the same in the same way and with the like remedies as are provided for the collection of ordinary city rates or taxes. Warrant.

(2.) The collector's certificate in writing that the amount claimed by the City for water rates is due from any person, and is unpaid, shall, without proof of his handwriting, be admissible in evidence against such person, and shall be *prima facie* evidence of such water rates being due and unpaid, and thereupon, without further proof, the City shall be entitled to judgment unless a defence to the claim is substantiated. C. C., s. 475.



Water rates  
to constitute  
lien on  
property.

**514.** (1.) All water rates, including the special and extra rates and rates for water supplied through meters, shall constitute a lien on the real property in respect to which the same are rated, imposed or payable, and upon the personal property of the owner of such real property, and shall be paid by such owner.

(2.) Such lien shall attach—

(a) in respect to water rates and special rates and charges upon and from the date on which they are entered in the water assessment book, and such book is completed and signed by the collector with the date, and

(b) in respect to rates for water supplied through meters, from the actual date of entry in the meter rate book.

(3.) Every lien for water rates shall have the same effect and priorities, and shall be enforceable in the like manner and with the same remedies and against the like persons as a lien on real or personal property for ordinary city rates or taxes created by this Act.

(4.) The provisions of this Part relative to liens on real and personal property for rates and taxes, and sales under lien for rates and taxes, and to errors and irregularities therein, shall, except as in this section varied, also apply to water rates and charges. C. C., s. 476.

(6.)—*Prevention of Waste or Improper Use of Water.*

Water may  
be turned off  
for waste.

**515.** (1.) The engineer may cause the water to be turned off from any property where the owner, or agent of the owner, or occupant, or consumer of water is, in his opinion, violating any of the rules or regulations in respect to the use of water, or is allowing the water to run to waste.

(2.) Such person shall pay a fine of one dollar for the first offence, to be paid to the clerk of works before the water is turned on, and a fine of two dollars for a second offence, before it is again turned on.

(3.) For a third offence it shall not be turned on until such person takes such steps to prevent future violations of such rules or regulations, or waste of water, as are necessary in the opinion of the engineer.

(4.) Fines paid under this section shall be forthwith paid to the clerk of works. C. C., s. 477.

Indemnity.

**516.** Neither the City, nor any official of the City, shall be liable for any loss or damage which results from the water having been turned off, whether under the provisions of

the next preceding section or for the non-payment of rates. C. C., s. 478 part.

**517.** No reduction in the rates shall be made or allowed on account of the water having been turned off. C. C., s. 478 part. No reduction of rates.

**518.** (1.) Any official of the City shall have the right to enter into any house, building or premises in the City, and every part of such house, building or premises in which he supposes there are any water pipes or fittings, between the hours of eight o'clock, a. m., and six o'clock p. m., and to remain there for such reasonable length of time as is necessary for the purpose— Right of officials to enter premises.

(a) of ascertaining the number or state of the water fittings or pipes, or

(b) for fixing, examining or reading any water meter, or

(c) to ascertain if the water is unlawfully taken or used.

(2.) Every person who—

(a) after two hours' notice of the intention of such official to enter any house, building or premises, prevents his entry into any such house, building or premises, or any part thereof, in which he supposes there are water pipes or fittings, or

(b) at any time interferes with such official in the discharge of his duty,

shall be liable to a penalty of not less than five dollars, nor exceeding twenty dollars, and the engineer may, in addition, cause the water to be turned off from the premises of such offender. C. C., s. 479.

**519.** Every person, unless he is authorized so to do by the Board of Control or an officer of the fire department, who draws water from, opens, closes, cuts, breaks, or in any way injures or interferes with any fire hydrant, water main or water pipe, shall be liable to a penalty of not less than ten dollars nor exceeding one hundred dollars. C. C., s. 480. Interference with hydrants or pipes.

**520.** (1.) Every new water pipe or fixture, and every extension, alteration or addition to any old pipe or fixture, shall be placed and kept as far as practicable from any external wall, and so placed as not to be exposed to or liable to be affected by the action of frost, or other injury, and so placed that no waste of water is liable to occur without being easily detected. Prevention of injury by frost.

(2.) They shall be thoroughly protected from the action of the frost and to the satisfaction of the engineer, other-

wise the water from the City pipes shall not be allowed on the premises. C. C., s. 481.

Defective  
plumbing.

**521.** Whenever any water pipe, fitting or fixture in, on, or about any house, building or premises, is—

- (a) in a bad condition, or
- (b) in a position exposed to or liable to be affected by the action of frost, or other injury, or where a waste of water is liable to occur, or
- (c) is insufficiently protected from the action of frost, the engineer may turn the water off such premises until such pipe, fitting or fixture is placed in a condition or position satisfactory to the engineer. C. C., s. 482.

(7.)—*Disputes.*

Disputes—  
how settled.

**522.** If any dispute arises respecting the classification of any building, establishment or premises, or respecting the rate to be paid by any property owner, agent, tenant or consumer, the dispute shall be decided by the Board of Control, but if the decision is not unanimous the same shall be referred to the Council on the application of the person so disputing. C. C., s. 483.

(8.)—*Termination of Contracts.*

Determina-  
tion of special  
contracts.

**523.** Where water is supplied to the premises of any person, firm or corporation, other than for domestic purposes, whether under any private contract or agreement with the City, or otherwise, the Council may, on the recommendation of the Board of Control,—

- (a) if there is a contract or agreement, determine and put an end to such contract or agreement at any time under the terms thereof. or
- (b) if there is none, then after one month's notice of its intention to the owner, agent, or occupant of the premises, by leaving a notice in writing upon such premises of such intention, after the expiration of the term mentioned in the notice, cause the water to be turned off from such premises. C. C., s. 484.

(9.)—*Report.*

Annual re-  
port on water  
service.

**524.** (1.) The Board of Control shall annually submit to the Council a statement made up to the thirtieth day of April, showing—

- (a) the names of persons and corporations with whom special agreements have been made, and the amount paid by each;
- (b) the actual cost of maintenance for the year, specifying the amount paid for salaries, labor and materials.

(2.) Every such statement shall be printed in the annual report of the civic government of Halifax. C. C., s. 485.

(10.)—*Regulations.*

**525.** (1.) The Board of Control, from time to time by Regulations by Board of Control. by-law to be approved by the Council, may—

- (a) prescribe rates payable in respect to water other than the rates controlled by the statute;
- (b) make regulations in respect to the mode of imposing, collecting, or enforcing payment of water rates;
- (c) make such regulations as are calculated in its judgment to prevent waste of water, or fraud in respect to its consumption, and
- (d) alter such regulations and prescribe penalties for the violation thereof.

(2.) It may from time to time issue instructions in conformity with law for the guidance of water consumers.

(3.) Every ordinance, by-law, regulation or rule in respect to any of such matters, and any rate purporting to be in force at the time of the coming into force of this Act, except in so far as they are amended by this Act, or ordinances coming into force therewith, are hereby confirmed. C. C., s. 486.

## PART VII.

### L I C E N S E S.

#### AUCTIONEERS.

**526.** (1.) No person shall carry on business as an Auctioneers. auctioneer without having first obtained a license therefor, which shall be granted by the Council and signed by the mayor and clerk, and issued by the clerk, and shall be in force until the 30th day of April next succeeding the day on which it is issued, and no longer.

(2.) The fee for such license shall be eighty dollars.

(3.) Every person who carries on business as an auctioneer without having obtained such license, shall, for every day on which such business is carried on, be liable to a penalty not exceeding fifty dollars, and in default of payment, to imprisonment for a period not exceeding one month.

(4.) Nothing in this section shall apply to any sheriff, bailiff, or other officer of the law, selling under legal process. C. C., s. 487.



## PAWN BROKERS AND JUNK DEALERS.

Pawnbrokers  
and junk  
dealers.

**527.** No person shall do business as a pawn broker or as a dealer in junk, second-hand marine stores, rags or bones, (hereinafter, or in any ordinance made hereunder, referred to as a junk dealer), without having first taken out a license therefor, which shall be granted by the Council and signed by the mayor and clerk, and issued by the clerk, and shall be in force until the 30th day of April next succeeding the day on which it is issued, and no longer. C. C., s. 488.

License fee  
for pawn-  
brokers.

**528.** The fee payable for a license to do business as a pawn broker shall be one hundred dollars. C. C., s. 489.

License fee  
for junk  
dealers.

**529.** The fee payable for a license to do business as a junk dealer shall be one hundred dollars, and ten dollars for each boat or vessel employed in connection therewith. C. C., s. 490. 1907, c. 69, s. 13.

Junk dealer  
to do busi-  
ness at defin-  
ite place.

**530.** Every junk dealer shall do business at some place within the City, and the place at which he proposes so to do business shall be specified in the license. C. C., s. 491.

Separate  
license for  
each place.

**531.** A separate license shall be required for every place at which it is proposed to carry on the business of a pawn broker or junk dealer. C. C., s. 492.

Place to be  
specified.

**532.** Every license to do business as a pawn broker or as a junk dealer shall specify the place at which such business shall be carried on. C. C., s. 493.

Name to be  
on door.

**533.** Every place in which business is carried on as a pawn broker or as a junk dealer shall have the name of the licensee painted in legible characters over the door of the same, and upon both sides of any boat or vessel used in connection with such business. C. C., s. 494.

Books to be  
kept.

**534.** Every person holding a license to carry on business as a pawn broker or as a junk dealer shall keep at each place in which such business is carried on, a suitable book, or books, in which shall be entered every article brought to such place for pledge or sale, with a description, as near as may be, of such article, and of the person bringing it; and such book or books shall at all times be open to the inspection of any person wishing to inspect the same. C. C., s. 495.

Council may  
make ordin-  
ances.

**535.** The Council may, by ordinance, regulate the manner in which the business of a pawn broker or a junk dealer may be carried on. C. C., s. 496.

**536.** Every person who contravenes or fails to comply with <sup>Penalty.</sup> any of the foregoing provisions in respect to pawn brokers or junk dealers, or of any ordinance made by the Council in respect thereto, shall, for every such offence, be liable to a penalty not exceeding fifty dollars, and in default of payment, to imprisonment for a period not exceeding one month. C. C., s. 497.

## CLOTHES DEALERS FROM ABROAD.

**537.** (1.) No person, firm or corporation residing, or <sup>Clothes dealers from abroad.</sup> having its principal place of business, outside of the province, or the principal part of whose business is carried on outside of the province, shall in the City,—

- (a) solicit any order, or
- (b) take any measurement, or
- (c) enter into any agreement,

for the furnishing or supplying of clothes, garments or any articles usually supplied by merchant tailors, and no agent of any such person, firm or corporation, shall in the City, solicit any order, take any measurement, or enter into any agreement for the supplying or furnishing of any such clothes, garments or articles, without first taking out a license therefor.

(2.) The license required by this section shall be signed by the mayor and clerk, and issued by the clerk, and shall expire on the 30th day of April next after the date of the issue thereof, and the fee for such license shall be one hundred dollars.

(3.) In any information or complaint for a violation of this section, it shall not be necessary for the prosecutor or complainant to prove any allegation of non-residence contained in such information or complaint, but the burden of proof shall be on the defendant to disprove such allegation of non-residence.

(4.) Every person, firm or corporation who contravenes, or fails to comply with any of the provisions of this section, shall for each offence be liable to a penalty not exceeding one hundred dollars, and in default of payment, to imprisonment for a term not exceeding thirty days.

(5.) This section shall not apply to any person, firm or corporation who or which is the owner of real or personal property within the City of the value of six thousand dollars over and above all encumbrances thereon, and is assessed in respect of such property for city rates and taxes for the current civic year. C. C., s. 498.

## GIFT ENTERPRISES.

**538.** (1.) Every person who, without first taking out a <sup>Gift enter-</sup> license therefor, <sup>prises.</sup>

- (a) for the purpose of gain, disposes, or offers to dispose, of any goods or property by way of gift enter-

prise, or gift or disposal, such gift or disposal depending on chance or guess, or on any other thing than a fair or legitimate consideration from the receiver, or

- (b) advertises to dispose of goods or property on any such terms, or canvasses or induces persons to patronize him on any such terms,

shall be liable to a penalty not exceeding one hundred dollars, and in default of payment, to imprisonment for a term not exceeding six months.

(2.) The fee for any such license shall be six hundred dollars.

(3.) Nothing in this section contained shall be construed to permit the granting of a license to do anything contravening the statutes of Canada in respect to the criminal law, or which is unlawful. C. C., s. 499.

#### PATENT MEDICINE DEALERS.

Patent medicine dealers.

**539.** (1.) No person or company residing, or doing business, outside of the province, unless assessed in respect to property not less than three thousand dollars, shall, on his own account, and no agent on behalf of any such person or company, shall,—

- (a) offer for sale on any street, or other public place, medicine of any description, or give, or offer to give, any medicine along with any book or other thing then sold by him, or

(b) solicit orders for the sale of medicine, without having first taken out a license in that behalf.

(2.) The fee payable for such license shall be two hundred dollars.

(3.) Every person who contravenes or fails to comply with the provisions of this section shall, for every such offence, be liable to a penalty not exceeding eighty dollars, and in default of payment, to imprisonment for a period not exceeding sixty days.

(4.) Nothing in this section shall apply to *bona fide* commercial travellers selling for the purpose of re-sale. C. C., s. 500.

#### NON-RESIDENT BUILDING CONTRACTORS

Non-resident building contractors.

**540.** (1.) Every person, firm or company not a resident in the province, who enters into any contract for the construction or alteration of any building in the City shall, before beginning any work under such contract, pay to the City a license fee equal in amount to one-half of one per cent of the

total sum payable under such contract, provided, however, that the provisions of this section shall not apply to any such person, firm or company which at the time of entering into any such contract is assessed for purposes of taxation by the City in the sum of five thousand dollars or upwards.

(2.) Every person, firm or company who contravenes or fails to comply with the provisions of this section, and the agent, foreman or other person in charge of the work on any such contract in behalf of any such person, firm or company, shall be liable to a penalty not exceeding double the amount of said license fee so payable, and in default of payment, to imprisonment for a period not exceeding thirty days, and in addition thereto, the amount of such license fee may be recovered by action in the name of the City, and in any such action against any person, firm or company out of the province service of the writ of summons or other process upon any such agent or foreman shall be good and sufficient service upon such person, firm or company. 1913, c. 69, s. 13.

PETTY TRADES.

**541.** (1.) No person shall carry on business as a hawker, peddler, petty-chapman, or other petty tradesman, or by going about from place to place on foot, or with any animal bearing or drawing any goods for sale, without having first taken out a license therefor. Hawkers and other petty traders.

(2.) Nothing in this section shall apply to—

(a) any person bringing into the City milk, vegetables, fruit, or other products of his own farm or garden or forest for sale, or selling or offering to sell the same at the green market (so called) or in any other part of the City.

(b) any fisherman bringing into the City fish caught by himself for sale, or selling or offering to sell the same, or

(c) any person assessed in respect to personal property,

(i) in a sum not less than one thousand dollars if the fee for the license required by law exceeds ten dollars; and

(ii) in a sum not less than six hundred dollars if the fee for the license required by law does not exceed ten dollars.

(3.) In any prosecution instituted under this section the burden of proving an exemption under the clause marked (a) shall be on the person accused. 1908, c. 75, s. 4.



## SALES FROM VESSELS.

Selling from  
vessels.

**542.** (1.) No person shall sell, or offer to sell, from any vessel, any farm produce or other cargo, or part of a cargo, without having first taken out a license authorizing such sale.

(2.) The fee payable for any such license shall be fifteen dollars for every vessel not exceeding twenty-five tons measurement and a further sum of five dollars for every additional twenty-five tons, or fraction thereof.

(3.) Every such license shall expire on the disposal of the cargo in respect to which it is issued.

(4.) Every person who sells any such cargo without having first taken out a license authorizing the same, shall, for every such offence, be liable to a penalty not exceeding one hundred dollars.

(5.) Nothing in this section shall apply to the consignee of any cargo of such farm produce, provided such consignee is a ratepayer in the City assessed in respect to real property used for the purposes of his business of the value of not less than three thousand dollars, or is the *bona fide* yearly tenant of real property so used, assessed for not less than that amount. C. C., s. 503.

## ICE DEALERS.

Ice dealers.

**543.** (1.) No person shall sell or deliver ice without having first taken out a license therefor.

(2.) The fee payable for such license shall be thirty dollars.

(3.) Every person who contravenes this section shall be liable to a penalty not exceeding fifty dollars, and in default of payment, to imprisonment for a period not exceeding one month. C. C., s. 504.

## PUBLIC ENTERTAINMENTS.

Public enter-  
tainments.

**544.** The Council may make ordinances in respect to theatrical or musical entertainments, lectures, circuses, and other public entertainments, or exhibitions of every description to which admission is obtained on payment of money, or at which money is charged for participation in any exhibition or other entertainment, and the performance of street music or other entertainments or exhibitions on the streets, to fix the license fee to be paid for each class of entertainment or exhibition respectively, and to regulate the manner in which such entertainment or exhibition shall be conducted. C. C., s. 505. 1909, c. 84, s. 2.

BILLIARD ROOMS AND BOWLING ALLEYS.

**545.** (1.) No person shall carry on business in the City Billiard rooms and bowling alleys. as a keeper of a public billiard room or bowling alley, without having first taken out a license therefor.

(2.) Every such license shall be signed by the mayor and clerk, and issued by the clerk, and shall be in force until the thirtieth day of April next succeeding the date when the same is issued, and no longer.

(3.) The Council may make ordinances for the regulation of such billiard rooms and bowling alleys, and prescribe the fees to be paid for the licenses therefor.

(4.) Until the Council by ordinance otherwise determines, the fees to be paid for such licenses shall be the following:—

For a billiard room with one billard table or pool table	
only .....	\$25 00
For each additional table .....	5 00
For each bowling alley .....	10 00
C. C., s. 506.	

CHIMNEY SWEEPS.

**546.** (1.) No person shall carry on the business of a Chimney sweeps. chimney sweep without having first taken out a license therefor.

(2.) The Council may by ordinance fix the fee to be paid for a license to do business as a chimney sweep, and the rates to be charged by a chimney sweep, and the manner in which the business shall be conducted.

(3.) Every person who carries on business as a chimney sweep without having taken out such license shall, for every day on which such business is carried on, be liable to a penalty not exceeding ten dollars, and in default of payment, to imprisonment for a period not exceeding ten days. C. C., s. 507.

BILL POSTERS.

**547.** (1.) No person shall post any bills or placards who Bill posters. has not first taken out a license to carry on business as a bill poster.

(2.) No person shall erect, maintain or make use of any bill board, hoarding, fence, building, wall, frame or construction of wood, metal or other material for the display of advertising matter, bills or placards, whether on his own property or the property of other persons, who has not obtained a permit for the erection, maintenance and use thereof.

(3.) The Council may by ordinance, regulate the manner in which the business of a bill poster shall be conducted, the

erection, maintenance and use of such bill boards, hoardings, fences, building walls, frames and other constructions of wood, metal or other material, for the display of advertising matter, bills or placards, and the fees to be paid for such licenses or permits. 1912, c. 82, s. 6.

#### DOGS.

Dogs.

**548.** (1.) No person shall keep a dog without having first taken out a license therefor.

(2.) The Council may, by ordinance, fix the fee payable for a dog license, and regulate the keeping of dogs, including the capture and impounding of vagrant or stray dogs, whether licensed or unlicensed, and the sale, killing, or other disposal of the same. C. C., s. 508.

#### GENERAL.

How licenses issued.

**549.** (1.) Except where it is otherwise provided, every license mentioned in this Part shall be granted by the mayor, and signed by the mayor and clerk, and issued by the clerk, and shall be in force until the 30th day of April next succeeding the day on which it is issued, and no longer, and no license shall be granted for any shorter period.

Each day separate offence.

(2.) Every day during which any contravention or failure to comply with any requirement of this Part, or of any ordinance or by-law made thereunder, continues, shall constitute a fresh offence.

Burden of proof.

(3.) In any action, prosecution, or other proceeding in respect to any such contravention or failure, it shall not be necessary for the City, or other plaintiff or prosecutor, to prove that the defendant or person accused does not hold a license, but the burden of proving the holding of a license shall be upon such defendant or person accused.

(4.) In any action, prosecution, or other proceeding against the holder of any license mentioned in this Part for any contravention or failure to comply with any law or ordinance, or of any term or condition of his license, the production of a statement in writing purporting to be signed by the clerk or assistant clerk that the defendant or person charged is the holder of a license of the nature therein stated, shall be evidence of the holding of such license by such person. C. C., s. 509.

#### HACKS AND TRUCKS.

Hacks and trucks defined.

**550.** In the sections of this Part of this Act relating to hacks and trucks, and in any ordinance or by-law made thereunder,—

(a) the expression “hack” includes every vehicle of any description whatever for the conveyance of passengers for hire, other than a tram car,

(b) the expression "truck" includes every vehicle of any description whatever for the conveyance or transportation of goods, or other material whatsoever, for hire. C. C., s. 510.

**551.** The regulation and control of hacks and trucks shall be vested in the Board of Control. C. C., s. 511. Board of Control to regulate.

**552.** It shall be the duty of the Board to enforce the provisions of this Act relating to hacks and trucks, or of any ordinance of the City relating thereto. C. C., s. 512. Board to enforce regulations.

**553.** (1.) No person shall ply for hire with any hack or truck, or drive any such hack or truck, without first obtaining a license therefor. License required.

(2.) Every such license shall be granted by the Board and shall be signed by the mayor and the clerk. C. C., s. 513.

**554.** Every such license shall be for the term of one year, or part of a year, only, ending on the 30th day of April. C. C., s. 514. Term of license.

**555.** The Board may, for any violation of the provisions of this Act relating to hacks and trucks, or of any ordinance relating thereto, or other misconduct, cancel any license or suspend the same for any period. C. C., s. 515. Cancellation or suspension.

**556.** The Board may license as many hacks and trucks as it deems proper and requisite. C. C., s. 516. Number may be limited.

**557.** The Board shall appoint places as stands for hacks and trucks, and may designate at which of such places any hack or truck shall stand. C. C., s. 517. Stands.

**558.** The owner or driver of any hack hired within the City to carry any person beyond the limits of the City, shall be subject to the provisions of this Part of this Act, and of any ordinance made by the Council in respect to hacks, in the same way and to the same extent as though the hack had been hired to convey such person to a point within the limits of the City, provided that nothing herein contained shall prevent any licensed hackman making a contract as to the amount of his charge for the carriage of passengers from any part of the City to a point without the City limits. C. C., s. 518. Engagement extending beyond City.



## Ordinances.

**559.** The Council, on the recommendation of the Board of Control, may from time to time make ordinances regulating—

- (a) the forms of hack licenses and truck licenses, the conditions on which they may be granted, cancelled or suspended, and the security to be given by licensees for their compliance with the law;
- (b) the fares or rates to be charged for the use of hacks or trucks;
- (c) the numbering of hacks and trucks, and the placing of names thereon;
- (d) the kind or description of hacks and trucks to be used for various purposes;
- (e) the qualifications of drivers of hacks and trucks, and the licensing thereof;
- (f) the speed at which hacks or trucks may be driven, and the prevention of noise therefrom;
- (g) the condition, as to good order and cleanliness, in which hacks and trucks shall be kept, and the inspection thereof;
- (h) generally, any other matter or thing in the judgment of the Council requisite for the good order and proper control of hacks and trucks, and the protection or convenience of the public. C. C., s. 519.

## Penalties.

**560.** (1.) Every person who—

- (a) plies for hire with any hack or truck, or drives any such hack or truck, without having first obtained a license therefor, or
- (b) contravenes any of the foregoing provisions relating to hacks and trucks, or of any ordinance made in respect thereto,

shall, for each such offence, be liable to a penalty not exceeding ten dollars, and in default of payment, to imprisonment for a period not exceeding ten days.

(2.) Every day during which any such contravention continues shall be deemed a fresh offence. C. C., s. 520.

## PART VIII.

## CITY PROPERTY AND WORKS.

**561.** (1.) The property and works of the City as hereinafter specified shall be under the charge and management of the Board of Control. Property and works of City, to be under Board of Control.

(2.) Such property and works shall comprise:—

- (a) The real and personal property of the City, except any part thereof the management of which is by this Act vested in any other board or committee, including the maintenance and repair thereof, and the supervision of all such property under the direction of the Board shall be exercised by the engineer;
- (b) The water works, and all work and business connected with the water department, except the collection of the water rates;
- (c) The streets and all work connected therewith;
- (d) The construction, repair, and maintenance of the public sewers. C. C., s. 522. B. C., s. 15.

**562.** The Board shall submit annually to the Council an estimate of the moneys proposed to be expended by the Board in respect to city property and works in the coming year, and the amount approved by the Council shall be placed in the appropriations for that year. C. C., s. 524. Annual estimate by Board.

**563.** (1.) The Board may enter into any contract involving an expenditure not exceeding five hundred dollars without submitting the same for approval to the Council, but all expenditures under any such contract so entered into shall be subject to supervision and audit in the same manner as other expenditures. Board may contract up to \$500 and pay salaries, etc.

(2.) The Board may direct the payment of the salaries and wages of the employees and workmen engaged upon any work properly undertaken by the Board out of any money at the disposal of the Board without first submitting the same to the Council. C. C., s. 525.

**564.** The Board shall report to the Council once a month, or oftener if required by the Council, on all work being carried on by the City. B. C., s. 14 (c). Reports by Board.

## CITY ENGINEER.

**565.** The person appointed as city engineer in the manner hereinbefore provided shall be a civil engineer of not less than seven years standing. He shall be paid a salary of three thou- City Engineer.

sand dollars yearly, and shall perform such duties as are prescribed by this Act, or by the Council, or Board of Control. C. C., s. 526.

## Duties.

**566.** The engineer shall be responsible for the mode and manner of constructing any public work of the City, or any work ordered by the Council, and of bringing the same to a successful completion. C. C., s. 527.

## Assistant Engineer.

**567.** The person appointed assistant city engineer as hereinbefore provided shall, at the time of his appointment, be a civil engineer in good standing, and shall be paid such salary as the Council on the recommendation of the Board of Control determines, and shall assist the engineer in the performance of his duties, and if the engineer is absent or unable to act he shall act in his place. C. C., s. 528.

## THE STREETS.

## Ownership of streets.

**568.** Notwithstanding any enactment of the province, the legal title to, and the soil and freehold of, every street now open which has been

(a) dedicated or conveyed to the City and accepted by resolution of the Council; or

(b) laid out under any enactment relating to the City; and of every street which hereafter is so dedicated or conveyed and accepted or is so laid out, and of no other, shall be vested in the City. C. C., s. 529.

## Opening new streets.

**569.** The Council, on the recommendation of the Board of Control, may at any time lay out and open any new street, and may widen, straighten, extend or otherwise alter, any existing street, and for that purpose may remove the whole, or any portion, of any building, wall or fence, and may expropriate any land required. C. C. s. 530.

## Sale of land on re-location of street.

**570.** The Council may, on such recommendation, at any time in connection with the re-location of any street which has been accepted by the City or dedicated as a street, dispose of by sale or exchange any part of such street which after such location will no longer form part of the street, and any moneys received from the sale of any such land shall form part of the street appropriation for the year in which they are received. 1910, c. 47, s. 7.

## Sixty feet width required.

**571.** No street shall be accepted by the City, or laid out under any enactment, the width of which is less than sixty feet. C. C., s. 531.

**572.** The City may maintain the right of way acquired from John A. Meagher and William Branch from Yale Street to Yukon Street out of the appropriation for streets. 1913, c. 69, s. 12. Yale-Yukon right of way.

**573.** The Board of Control shall, so far as the funds at its disposal will permit, keep clean and in good order and repair, every street the legal title to which is vested in the City, and no other, and the cost of so doing shall be defrayed out of the general revenue of the City. C. C., s. 532. Maintenance of streets.

**574.** The engineer shall, on or before the tenth day of December in each year, report to the Board his estimate of the amount of money required for repairs to the streets. C. C., s. 533. Estimate

**575.** The Board may at any time raise or lower the level of any street, and no action shall be maintained against the City, its officers, or contractors, for any injury thereby occasioned to any property. C. C., s. 534. Altering levels.

**576.** The Board may, whenever it is necessary, in connection with the work on any street, temporarily close the same. C. C., s. 535. Closing streets temporarily.

**577.** The Board may use on any street one or more steam rollers. C. C., s. 536. Steam roller.

**578.** (1.) The Board shall remove all incumbrances from the streets, and shall prevent any obstruction or encroachment thereon. Encroachment rentals.

(2.) If, in the opinion of the Board, any obstruction or encroachment does not occasion any unreasonable inconvenience to the public, the Board may permit the same to continue on such terms as the Board approves, which may include an undertaking or security that the obstruction or encroachment shall not be rebuilt or repaired, and shall be removed whenever the Board so requires, and the payment to the City during its continuance of a reasonable annual rent.

(3.) The Board may permit the owner of any premises to have a hatchway or other opening in the street in front of such premises, on such terms and conditions as the Board deems fit, one of which conditions may be the payment to the City of a reasonable annual rent.

(4.) Any rent payable under this section may be added to and collected along with the annual rates and taxes rated upon the premises with which any such obstruction, encroachment,



or hatchway is connected, in the same manner and with the same remedies as a tax upon personal property, and may also at the option of the City be collected by action in the name of the City. C. C., s. 537.

Permits to  
open street.

**579.** (1.) No person shall break or open the soil of any street for any purpose without first obtaining a written permit from the engineer, which may be granted on such terms and conditions as the engineer deems proper under the circumstances.

(2.) Every person who—

(a) breaks or opens the soil of any street without such permit, or

(b) fails to comply with any term or condition of any such permit,

shall, for each offence, be liable to a penalty not exceeding fifty dollars, and in default of payment, to imprisonment for a term not exceeding one month. C. C., s. 538.

Discharge  
of water  
prohibited.

**580.** (1.) No owner of any building or premises shall permit water to be discharged, or to escape or percolate therefrom, upon, or through any street, otherwise than by a properly constructed underground drain or conduit discharging into a public sewer.

(2.) Every person who contravenes or fails to comply with this section shall be liable to a penalty not exceeding fifty dollars, and in default of payment, to imprisonment for a period not exceeding one month. C. C., s. 539.

Leave must  
be obtained  
before build-  
ing.

**581.** (1.) Any person proposing to erect any building or structure, or to make an addition to any existing building or structure, close to the line of any street, shall, before beginning the same, or digging any foundation therefor, apply to the Board of Control to have the line of the street at that place determined by the engineer, and the engineer shall lay out and determine such line and give a certificate defining the same to the applicant.

(2.) Any such building, structure or addition, or foundation, shall be deemed to be close to the line of the street if it is uncertain, until the line of the street has been determined, whether the same will or will not be an encroachment on the street. C. C., s. 540.

Prohibition.

**582.** (1.) No person—

(a) shall begin to erect any such building, structure or addition, or to dig a foundation therefor, close to the line of any street, without first obtaining such certificate, or

- (b) after obtaining such certificate, shall erect, or begin to erect, any such building, structure or addition, or to dig any foundation beyond the line of the street as defined in such certificate.

(2.) It shall be the duty of the engineer immediately to report any violation of this section to the solicitor, who shall forthwith take proceedings by action in the name of the City against such person in respect to such violation. C. C., s. 541.

**583.** (1.) In any such action, the court or a judge may, Powers of Court. in addition to any other relief, direct that any building, structure or addition, or any part thereof, shall be removed or destroyed by the person erecting the same within a specified time, and that in default of so doing the engineer may remove or destroy the same at the expense of such person, and may direct any party to the action to pay costs to any other, and that execution may be issued for such costs and for any such expenses of removal.

(2.) For any of such purposes, any process or procedure of the court available may be used. C. C., s. 542.

**584.** If the court or judge is of opinion that the building, Costs. structure or addition, although not encroaching on the street, is close to the same, and that the same was erected without application to have the line of the street determined, and that there was reasonable ground for the institution of the action, the court or judge may direct that the costs of the proceedings shall be paid by the person erecting such building, structure or addition, although no order is made for the removal of the same. C. C., s. 543.

**585.** The line of the street may, in any action, be proved Street line—how proved. by the certificate of the engineer, whether given at the instance of the applicant or of the City, and such certificate shall be conclusive evidence that the line therein mentioned is the true line of the street at that place. C. C., s. 544.

**586.** The Council may, at any time, by resolution, direct Council may direct removal of encroachment. the owner of any building or structure at any time heretofore erected, any part of which, or any step, veranda, portico or other projection therefrom at any time heretofore erected, encroaches on any street, to remove the same, and on his failure so to do, may compel such removal by action, and in any such action the length of time during which such encroachment has continued shall not be any defence. C. C., s. 545.

**587.** (1.) If any such building or structure, or any such Encroachments not to be renewed. projection so encroaching, is pulled down or destroyed by fire,

or otherwise removed, the same shall not be rebuilt so as to continue such encroachment.

(2.) In the case of any threatened violation of this section, the engineer shall at once report the same to the solicitor, who shall forthwith institute proceedings in the name of the City in respect to such violation. C. C., s. 546.

Ornamental  
lighting—  
permit for.

**588.** The Board of Control may on the recommendation of the engineer grant a permit to any person for the placing on any street of a suitable post or other fixture for the purpose of ornamental lighting. Any such permit may be upon such terms and conditions, including payment of a rental, as the Board of Control deems fit, and may be revoked at any time without notice. 1913, c. 69, s. 15.

Building  
lines.

**589.** (1.) In the case of any street—

- (a) which is hereafter opened and accepted by the City,  
or
- (b) which although heretofore opened is not accepted  
by the City until after the passing of this Act, or
- (c) on which, although heretofore opened and accepted,  
no building has been erected,

the Council, on the recommendation of the Board of Control, may establish a building line beyond which no building or structure of any description shall be built or placed.

(2.) If any person contravenes, or attempts to contravene, the requirements of this section, the engineer shall at once report the same to the solicitor, who shall forthwith take proceedings by action in the name of the City to restrain the same. C. C., s. 547.

Certain  
building lines  
confirmed.

**590.** (1.) On the following streets there shall be building lines as set out in this section, that is to say:—

*Quinpool Road*—North and east sides, between Elm street and Chebucto Road, a line distant thirty feet northwardly and eastwardly from the north and east sides of Quinpool Road.

*Quinpool Road*—South side, between Elm street and the west boundary of Sir Charles Tupper's property, "Armdale," a line distant thirty feet south from the southern side of Quinpool Road.

*Oxford Street*—West side between Quinpool Road and Oakland street, a line distant twenty-five feet westwardly from the western line of the street.

*North Street*—South side between Windsor Street and Oxford Street, a line distant fifteen feet from the southern line of the street.

(2.) No person shall build or place any building or structure or any portion thereof on any property fronting on the said sides of the said streets between the building lines so established and the lines of the said streets. 1910, c. 47, s. 12. 1911, c. 38, s. 5.

## OFFICIAL PLAN.

**591.** (1.) The Council shall cause to be prepared, under the supervision of the engineer, an official plan of the City, upon which shall be shewn—

- (a) the lines of every existing street which has at any time heretofore been dedicated or conveyed to the City and accepted by resolution of the Council, or laid out under the authority of any enactment;
- (b) the lines of every other street which has been opened and used by the public but has not been accepted by the City; and
- (c) the lines of any projected extension or alteration of any such street, or of any projected new street, approved by the engineer.

(2.) For the purpose of making such plan, the engineer or any assistant or employee may enter upon any private property in the day time. C. C., s. 549.

**592.** Every such new street, and every such alteration or extension of any existing street, shall be laid out on such plan of such extent and dimensions as the engineer determines; but no new street shall be laid out—

- (a) the width of which is less than sixty feet, or
- (b) which does not terminate at both extremities either on another street or at tidal water. C. C., s. 550.

**593.** On any such plan any property of the City shall be shewn. C. C., s. 551.

**594.** (1.) When the plan or any portion thereof has been completed, the same shall be submitted to the Council for confirmation.

(2.) Public notice of the completion of such plan or portion thereof (and in case of a portion, specifying what portion), and of the date of the meeting of the Council at which it is proposed to confirm the same, shall be given by publication in at least two newspapers, published in the City, for not less than four weeks previous to the date appointed for the meeting. The notice shall also state that the plan may be inspected by any citizen at the office of the engineer at any time during



office hours up to the date so fixed, and that any citizen may attend at the meeting and be heard.

(3.) At such meeting, or if no quorum attends, at the next meeting, or at any other meeting to which the hearing of the matter is adjourned, the Council shall hear any objection to the plan, and may either confirm the same or alter or amend it in any particular.

(4.) In any provision of this Act relating to such official plan, the expression "plan" shall include any such portion thereof, and the expressions "confirmation" and "confirmed" shall respectively include "alteration or amendment" and "altered or amended." C. C., s. 552.

Plan to be deposited.

**595.** (1.) Upon the completion and confirmation of such plan, the same, certified by the engineer, shall be deposited in his own office, and a copy, so certified, in the registry of deeds for the County of Halifax.

(2.) The copy so filed in the registry of deeds may, for convenience, be divided into sheets. C. C., s. 553.

Monuments of street lines to be set up.

**596.** Upon such confirmation, the engineer shall set up such bounds or monuments as he deems proper to mark the lines of every existing street shewn on such plan, and a record of the date of setting up every such bound or monument, and the location and nature thereof, shall be kept by the engineer. C. C., s. 554.

New streets after confirmation to be shewn.

**597.** After any such confirmation, when any new street is opened, or any alteration or extension made to any existing street, the engineer shall mark such street, alteration or extension on the plans filed in his office and in the registry of deeds, and shall set up such bounds or monuments as he deems necessary to mark the lines thereof. C. C., s. 555.

Confirmed plan to be conclusive.

**598.** (1.) When the plan has been so confirmed by the Council, the same shall be binding and conclusive upon the City and the owner of any property affected, and upon every other person whomsoever, as to the location, dimensions and lines of any existing street shewn thereon, and also that such street at the time of confirming the plan belonged to the City.

(2.) Nothing in this section shall be construed to prevent the City at any future time from extending, widening or otherwise altering any street shewn on such plan. C. C., s. 556.

Streets not shewn on plan not to be opened.

**599.** (1.) After the confirmation of such plan, no person shall open or lay out any street or make any extension of an existing street, not shewn thereon, without the consent of the Council. Before such consent is given, the person applying for

permission to open the street shall furnish to the engineer a correct plan of the proposed street on a scale of thirty feet to the inch, and the engineer shall certify that the proposed street conforms to the requirements of law and is in other respects satisfactory.

(2.) Every person who contravenes this section shall be liable to a penalty not exceeding four hundred dollars, and in default of payment, to imprisonment for a period not exceeding three months.

(3.) In any prosecution or other proceeding for a contravention of this section, the sale, or agreement for a sale, by any person of a lot of land purporting to be located or bounded upon a street not existing, or not shewn upon such plan, shall be evidence of opening or laying out a street in contravention of this section by such person. C. C., s. 557.

**600.** (1.) After the confirmation of any such plan, no person shall place upon any land shewn by such plan to be required for any new street, or any alteration or extension of an existing street, any building, or any addition or improvement to any building other than necessary repairs.

Buildings  
not to be  
placed on  
streets laid  
down on plan.

(2.) If any such building, addition or improvement is so placed, the same shall be deemed a nuisance, and the solicitor shall forthwith take proceedings by action in the name of the City to compel the removal of the same.

(3.) In the event of such new street being opened, or alteration or extension made, no damage or compensation shall be allowed in respect to any building, addition or improvement so placed. C. C., s. 558.

#### GRADING.

**601.** (1.) Except as is hereinafter provided, no street shall be dedicated or conveyed to the City until the same has been properly graded.

Street not to  
be dedicated  
unless  
graded.

(2.) Such grading shall be in accordance with a plan to be furnished by the engineer, and shall be done under his supervision and to his satisfaction, to be manifested by his certificate filed in his own office.

(3.) The Council shall not accept any such street nor direct the expenditure of any money thereon until such grading has been completed and such acceptance is recommended by the Board of Control.

(4.) Every person who so dedicates or conveys any such street before such grading is completed shall be liable to a penalty not exceeding four hundred dollars, and in default of payment, to imprisonment for a period not exceeding three months. C. C., s. 548.

Grading by city on petition of owners.

**602.** (1.) Upon the presentation to the Council of a petition signed by the persons owning not less than two-thirds of the property fronting on any street, which though opened and in use, has not been accepted by the Council, praying that such street may be accepted as a street by the Council, and that the same may be graded by the City at the cost of the owners of the properties fronting thereon, the Council may refer the matter of the petition to the Board of Control, and the Board shall direct the engineer to report on the matter of such petition.

(2.) The engineer shall report to the Board.

(a) whether, in his opinion, it is desirable that such street shall be accepted by the City; and

(b) the cost of grading the same.

(3.) The Board on consideration of such report, shall decide whether or not to recommend to the Council the acceptance of the street, or any part thereof, and the grading of the same at the cost of the owners of the properties fronting thereon. 1907, c. 69, s. 21.

Street in such case to vest in city.

**603.** If the Council decides to accept the street, or any part thereof, and to grade the same, at the cost of such owners, the said street, or part thereof, shall thereupon vest in the City in fee simple, without further conveyance or dedication, and the Board of Control shall thereupon execute the work of grading the same. 1907, c. 69, s. 22.

Money required.

**604.** The money requisite to defray the cost of any such grading may be borrowed by the treasurer from a bank, on the request of the Board of Control, and the amount so spent, with interest thereon, shall be repaid to the City by the owners of properties fronting on the street, or portion so graded in proportion to their respective frontages thereon. 1907, c. 69, s. 23.

Lien for cost.

**605.** (1.) Upon the completion of the work of grading, the engineer shall make a plan of the street, or part thereof, so graded, showing the frontage thereon of each property, and the name of the owner of each property. He shall also make a list of the owners of such properties, with the frontage of each property, and the amount due in respect to each property, and shall file such plan and list in his office.

(2.) Upon such plan and list being completed, and filed, the same shall, in any action or proceeding, be conclusive evidence of the liability to the City of every person named therein, in respect to each property of which he is stated to be the owner, for the amount stated in respect to each such property.

(3.) Any such plan or list may be amended from time to time by the engineer, and any such amendment shall in like manner be conclusive evidence of the facts stated therein.

(4.) The engineer shall furnish the collector and the assessors with copies of every such list or amendment thereof, with the date of filing in the office of the engineer endorsed thereon.

(5.) The amount specified in any such list as payable in respect to any property, shall, from the date of the filing of the plan and list, constitute and be a lien on such property. 1907, c. 69, ss. 24, 25.

## PAVING.

**606.** (1.) Upon the presentation to the Council of a petition signed by the persons owning not less than two-thirds of the frontage of the real property fronting on any street, or part of a street, praying that such street or part may be paved, the Council shall refer the matter of the petition to the Board of Control who shall direct the engineer to report thereon. a Paving on petition of owners.

(2.) The engineer shall report to the Board:—

- (a) the total length of street proposed to be paved;
- (b) the nature of the material most suitable in his judgment to be used for the paving;
- (c) the probable cost; and
- (d) whether in his opinion it is desirable to pave such street or portion, and any such other information or remarks as he deems proper.

(3.) The Board shall consider such report and send the same to the Council with such recommendation as it deems fit.

(4.) The Council on consideration of such report and recommendation shall decide whether to pave such street or portion of a street or not, and the material to be used, and if it orders the same to be done, the work shall be performed by the Board of Control.

(5.) One-half of the cost of such pavement shall be borne by the owners of properties fronting on the street or portion of a street so paved, in proportion to their respective frontages thereon. C. C., s. 574.

**607.** (1.) Upon the completion of the work of paving, the engineer shall make a plan of the street, or portion of a street, so paved, showing the frontage thereon of each property, and the name of the owner of each property. He shall also make a list of the owners of such properties, with the frontages of each property and the amount due in respect to each property, and shall file such plan and list in his office. Lien for cost.



(2.) Upon such plan and list being completed and filed, the same shall in any action or proceeding be conclusive evidence of the liability of every person named therein, in respect to each property of which he is stated to be the owner, for the amount stated in respect to each such property.

(3.) Any such plan or list may be amended from time to time by the engineer, and any such amendment shall in like manner be conclusive evidence of the facts stated therein.

(4.) The engineer shall furnish the collector and the assessors with copies of every such list or amendment thereof, with the date of the filing in the office of the engineer endorsed thereon.

(5.) The amount specified in any such list as payable in respect to any property shall, from the date of the filing of the plan and list as aforesaid, constitute and be a lien on such property. C. C., s. 575.

#### Instalments.

**608.** (1.) When any street is hereafter paved, whether under the provisions of this Act, or under the provisions of chapter 60 of the Acts of 1906, the total amount for which any person is liable in respect to any property, shall be divided into five equal instalments—the first of which shall be due and payable on the filing of the plan and list by the engineer, and one on each succeeding thirty-first day of May after the first so succeeding until the whole is paid.

(2.) To the first of such instalments shall be added the interest at six per cent. on the amount due in respect to the property from the date of the filing of the engineer's plan and list, and to each succeeding instalment shall be added the interest at six per cent. on the amount of principal then remaining unpaid.

(3.) The amount of such instalments and interest shall be included in the notice of rates and taxes for the year, given to the owner of the property, and may be collected with the like rights and remedies. 1907, c. 69, s. 15.

Pavement  
accounts to  
be kept sep-  
arately.

**609.** The collector shall keep a separate account of all moneys due for the laying of pavement, and shall annually report to the Council—

(a) The owners of properties liable therefor, and the streets in respect to which the liabilities arose;

(b) The amount due in respect to each property; and

(c) The amount paid in respect to each property.

1907, c. 69, s. 19.

**610.** The Council, on the recommendation of the Board of Control, may direct that any street or any portion of any street, may be paved, either under the provision of this Act, or under the provisions of chapter 60 of the Acts of 1906, notwithstanding that no petition has been presented to the Council praying that such paving may be done, and all the other provisions of the said Acts respectively shall apply to any paving so done. 1907, c. 69, s. 20.

Council may  
pave street  
without  
petition.

## SIDEWALKS.

**611.** The Board of Control may, subject to the approval of the Council, as hereinbefore provided, cover any sidewalk, whether the same has been previously covered or not, with stone, brick or other permanent material, or with sod. C. C., s. 559.

Sidewalks  
may be  
covered.

**612.** In executing such work the Board may reduce the size of any opening in the sidewalk to the dimensions prescribed by any ordinance in respect thereto. C. C., s. 560.

Openings may  
be reduced.

**613.** The owner of any property abutting on any sidewalk so laid, shall, when requested so to do by the engineer:—

Down spout  
to be con-  
nected.

(a) connect any spout or rain conductor discharging upon such sidewalk with a drain or sewer leading from the building to which such spout or conductor is attached; or

(b) provide a suitable drain for any water discharged from such property. 1906, c. 65, s. 6.

**614.** (1.) One-half of the cost of executing such work, including the cost of the curb and gutter, shall be paid by the City out of the yearly appropriation for streets.

Cost of side-  
walk—half  
to owner,  
half to city.

(2.) The other half of such cost shall be paid by the owners of the properties abutting on the sidewalk so covered, according to the respective areas of the sidewalk abutting on each property.

(3.) The cost of covering the part of any sidewalk situated at the intersection of two streets, and common to the sidewalks of both, shall be borne wholly by the City. C. C., s. 561.

**615.** (1.) Upon the completion of the work the engineer shall make a plan of the sidewalk covered, shewing the frontage thereon of each property and the name of the owner of each property. He shall also make a list of the owners of such properties, with the frontage of each property, and the amount due in respect to each property, and shall file such plan and list in his office.

Lien for  
owner's share.

(2.) Upon such plan and list being completed and filed, the same shall in any action or proceeding be conclusive evidence of the liability of every person named therein, in respect to each property of which he is stated to be the owner, for the amount stated in respect to each such property.

(3.) Any such plan or list may be amended from time to time by the engineer, and any such amendment shall in like manner be conclusive evidence of the facts stated therein.

(4.) The engineer shall furnish the collector and the assessors with copies of every such list or amendment thereof, with the date of the filing in the office of the engineer endorsed thereon.

(5.) The amount specified in any such list as payable in respect to any property shall from the date of the filing of such plan and list constitute and be a lien upon such property. C. C., ss. 562, 563.

Curbs and  
gutters.

**616.** (1.) The Council, on the recommendation of the Board, may direct a curb and gutter to be laid along any sidewalk which has been previously covered and that the cost thereof shall be defrayed out of either the street appropriation or out of the moneys borrowed for permanent sidewalks as is deemed fit. One-half of the cost of any curb and gutter laid along any sidewalk on which no covering is placed shall be borne by the owners of the properties abutting on such sidewalk, in proportion to their frontages, and shall be a lien on such properties and be collected in like manner and with the like remedies as are provided in respect to the one-half of the cost of covering a sidewalk which is made payable by the owners of abutting properties under the provisions of this Act.

(2.) The provisions of this section shall apply to the curb and gutter laid on the north side of Windsor street and the east sides of Cunard street and Compton Avenue. 1910, c. 47. s. 2.

Sidewalk  
moneys to go  
to sinking  
fund.

**617.** Any money received by the City in respect to the covering of any sidewalk shall be credited to and form part of the general sinking fund. C. C., s. 564.

Owners to  
maintain  
hatches, &c.

**618.** Every owner of real property shall keep in good repair and level with the sidewalk any hatch, hatch coaming, cellar door, or other covering of any aperture in the sidewalk in front of his property, and if he fails so to do, the Board of Control may, at its option, repair such covering, or may remove the same, and fill up such aperture, and the cost of any such repair or removal may be recovered together with the rates and taxes thereon, or by action in the name of the City. C. C., s. 565.

**619.** If the owner of any property abutting on any sidewalk fails, on the request of the engineer, to connect any spout or rain conductor discharging upon such sidewalk with a drain or sewer leading from the building to which the spout or conductor is attached, or to provide a suitable drain for any water discharged from any premises so abutting, the engineer may make such connection or drain, and may, for such purpose, enter such building or premises, and the land on which any such building stands, and do therein any work requiring to be done, and the cost of any work so done by the engineer shall be paid by the owner and may be recovered from him by action in the name of the City, or if such work is done as part of, or in connection with the covering of such sidewalk, such cost may be added to and form part of and be collected along with the proportion of the cost of covering such sidewalk payable by the owner of the property as hereinbefore provided. C. C., s. 566.

City may  
connect down  
spouts.

## TREES IN STREETS.

**620.** (1.) The Board of Control shall have the charge and care of the trees in the streets, and the planting of new trees therein shall be subject to its control and supervision.

Trees in  
streets.

(2.) The superintendent of Halifax Common shall, if required, assist the Board in the care of such trees, or the planting of new ones.

(3.) Whenever any sidewalk or curbing is being laid, or other work done on any street involving risk of any injury to any tree, such superintendent shall be notified, and the work, so far as respects such tree, shall be done subject to his supervision and direction. C. C., s. 567.

**621.** The Board may authorize any person to plant trees on any street wherever such planting will not, in the opinion of the Board, interfere with the public use of the street. C. C., s. 568.

Private  
planting.

**622.** (1.) Any owner of property wishing to have trees planted in the street in front of his property may, on obtaining the authorization of the Board to such planting, pay to the treasurer such sum for each tree which he wishes planted as the superintendent of Halifax Common deems sufficient to defray the cost of purchasing and planting the same, and shall receive a receipt in duplicate therefor, one of which duplicates he may lodge with the Board, and the Board shall at the next appropriate season cause such planting to be done, under the supervision and direction of the said superintendent.

City to plant  
on request  
of owner.

(2.) The owner may specify the description of tree which he wishes to have planted, and the same shall be planted accord-



ingly, but the Board shall not be required to plant any tree which in the opinion of the superintendent is not of a suitable description.

(3.) If the cost of purchasing and planting such trees does not amount to the sum paid to the treasurer, the balance shall be returned to the person who paid the same. C. C., s. 569.

Removal and  
trimming to  
be done by  
city.

**623.** The Board may cut down, trim or remove any tree on any street, but all such trimming or removal shall be done subject to the supervision and directions of the superintendent of Halifax Common. C. C., s. 570.

Not by  
others.

**624.** (1.) No person other than the Board shall cut down, trim or remove any tree on any street without first obtaining the authority of the Board.

(2.) Every person who contravenes this section shall, for each tree so cut down, trimmed or removed, be liable to a penalty not exceeding one hundred dollars, and in default of payment, to imprisonment for a period not exceeding sixty days.

(3.) The contravention of this section may also be restrained or damages recovered in respect thereto by an action at the suit of the City.

Remedy of  
adjoining  
owner.

(4.) In addition to the remedies hereinbefore prescribed in this section, the owner of the property in front of which any tree stands may maintain an action in his own name to restrain any contravention of this section, or to recover any damage done to his property thereby. C. C., ss. 571, 572.

Trees not to  
interfere with  
use of streets.

**625.** If any part of a tree standing on private property interferes with the public use of any street, the Board may cut or trim the same, and may, if necessary for that purpose, enter on such private property. C. C., s. 573.

#### FENCES.

Vacant lots  
to be fenced.

**626.** (1.) The owner or occupier of every vacant lot abutting on any street shall fence in the same within six days after receiving notice to that effect from the engineer, and shall keep and maintain such fence in good repair to the satisfaction of the engineer.

(2.) Every such fence, if closely boarded, shall be not less than six feet in height. If of any other description it shall be sufficient to protect the street and the public from any nuisance or inconvenience, but shall in no case be less than five feet in height.

(3.) Every person who contravenes or fails to comply with the provisions of this section shall, for every offence, be liable

to a penalty not exceeding twenty dollars, and in default of payment to imprisonment for a period not exceeding one month.

(4.) Every day during which any such contravention or failure to comply continues shall be deemed a fresh offence. C. C., s. 577.

DRINKING FOUNTAINS.

**627.** (1.) The Council, on the recommendation of the Board of Control, may erect drinking fountains upon the streets, squares, and public places of the City, and may appropriate therefor such part of the general revenue of the City, or of the moneys received in respect to the water supply of the City, as the Council on such recommendation deems fit. Drinking fountains.

(2.) The Council may grant permission to any person or association to erect such fountains on the streets, squares and public places of the City, but the location of any such fountain, and the design thereof, and the supply of water thereto, shall be subject to the approval of the Board of Control. C. C., s. 578.

PIPES, POLES OR TRAMWAYS IN STREETS.

**628.** Nothing in chapter 157 of the Acts of 1893, or in any act amending the same, shall be construed to prevent the City from laying pipes in any location in any of the streets for its own purposes. C. C., s. 579. Cap. 157, of 1893 not to prejudice city.

**629.** Nothing contained in section 62 of chapter 182 of the Acts of 1903 relating to the Bedford Electric Company Limited, or in any other act of the legislature, shall be considered to grant to the said The Bedford Electric Company Limited, or to the Halifax and Suburban Electric Company Limited, or to any other company or person, any right to build, construct or place a line of railway or tramway on any street of the City without the consent and approval of the Council being first had and obtained, and such consent and approval shall in all cases be necessary before any such line of railway or tramway is placed on any street of the said City. 1910, c. 47, s. 8. Certain tramway, subject to consent of City.

**630.** (1.) The Council may, by a two-thirds vote, permit the Minister of Railways of Canada to erect a line of poles and wires for the transmission of electric current from the Intercolonial Railway station at North street to the round house on the cotton factory siding, subject to the terms and conditions set out in the ordinance of the City in respect to poles and wires in the streets. Pole line for I. R. C.

(2.) For the purpose of such ordinance the Intercolonial Railway of Canada shall be deemed to be a company, and the

provisions of the said ordinance respecting the use by one company of the poles of any other company shall apply to the said railway. 1907, c. 69, s. 49.

## ORDINANCES.

Council may  
make street  
ordinances.

**631.** The Council may from time to time make, alter or repeal ordinances in respect to—

- (a) maintaining the streets in good order and condition and fit for the public use, including the manner and conditions under which the same may be opened, and the regulation of openings therein;
- (b) the prevention or removal of encroachments or obstructions on the streets;
- (c) keeping the streets clean, and the proper use thereof by the public, including the clipping of grass by the owners of properties;
- (d) the regulation of traffic and of vehicles and of horses and other animals on the streets;
- (e) the removal of snow by the owners or occupiers of properties;
- (f) the prevention of disorder and impropriety on the streets, and of coasting and playing at games;
- (g) the location, erection, maintenance, or removal of poles, wires, pipes, conduits or tubes upon, along, over or under the streets;
- (h) the removal or deposit of ashes, offal or other similar material;
- (i) the regulation or prevention of the going at large of animals or birds, the establishment and regulation of pounds, including the rates to be paid for animals or birds impounded, and the sale of such animals or birds. C. C., s. 580.

## SEWERS.

*(1.)—Care and Management.*

Sewers to be  
under Board  
of Control.

**632.** The Board of Control shall have the care and management of the public sewers, and shall repair and keep in good order all existing sewers, and shall construct all such new public sewers as are ordered by the Council. C. C., s. 587.

Private drains  
at expense  
of owner.

**633.** Every private drain connected with a public sewer shall be constructed and maintained at the expense of the owner of the property connecting with the same, but subject to the supervision and control of the engineer. C. C., s. 588.

**634.** (1.) Every public sewer, whether constructed before Outlets of sewers. or after the coming into force of this Act, shall discharge into Halifax Harbor, (including the North-West Arm and Bedford Basin) below the low water mark, and such discharge may be at any point within the City, whether the same is the property of the City or of any person.

(2.) No action or proceeding of any sort shall be maintained against the City or any individual for or on account of any deposit of sewage matter or other nuisance occasioned by such sewer at the point where the same discharges, or on any property near thereto.

(3.) The outlet of every such sewer shall be located with all due regard to the public health and convenience.

(4.) Before the outlet of any sewer hereafter constructed is located on the property of any person the same shall be approved by the Governor-in-Council after hearing any person interested in opposing such location. Notice of the time and place at which such hearing will be had shall in all cases be given by publication of the same in a newspaper in the City for not less than ten days, and such notice shall be deemed sufficient. C. C., s. 589.

**635.** The Board of Control may—

- (a) whenever a new public sewer is in process of construction in any street, or
- (b) whenever any street on which a public sewer has previously been constructed is being paved or repaired or opened for any cause,

notify the owners of properties on the street of the time within which they may connect their properties with the public sewer by private drains. C. C., s. 590.

**636.** (1.) The Board of Control may, in the case of any street in which a public sewer is now or hereafter constructed, Board may connect if owner fails. give a notice to the owners of properties on such street requiring them, within a time therein specified, to connect their properties with the public sewer by private drains.

(2.) If any owner so notified fails to make such connection within the time so specified, the Board may make such connection, and for that purpose the employees and workmen of the City may enter upon such property and make any excavation and do any other work required to be done.

(3.) The cost of making any such connection by the City shall, upon the filing by the engineer in his own office of a certificate specifying such cost, constitute and be a lien upon the property so connected. C. C., s. 591.



(2.)—*Private Drains.*

Private drains  
subject to city  
supervision.

**637.** Every private drain connecting with any public sewer shall be built subject to the supervision of the engineer, and shall be of such size and at such level and descent, and with such mode of piercing or opening into the sewer, and generally in such manner and of such materials, as the engineer directs, and no such drain shall be covered in until the same has been inspected and approved by the engineer. C. C., s. 592.

May be opened  
for inspection.

**638.** If any such drain is covered in before the same has been so inspected and approved the engineer may open the same for the purpose of inspection, and the cost of so doing shall be paid by the owner of the property and shall constitute a lien on the property, and may be recovered as hereinbefore provided. C. C., s. 593.

Power of  
engineer.

**639.** If—

- (a) any private drain is not laid and built and connected with the public sewer, or
- (b) the street is not filled in and remade, or
- (c) any other work in connection with such private drain is not done,

to the satisfaction of the engineer, he shall notify the owner of the property, or other person having charge of the construction of such drain, to that effect, specifying in what particulars the work is unsatisfactory, and if such owner or person within five days from the receipt of such notice fails to perform such work to the satisfaction of the engineer the engineer may perform the same, and the cost of so doing shall constitute a lien on the property and may be collected as hereinbefore provided. C. C., s. 594.

Penalty.

**640.** Every person who—

- (a) covers in any private drain before the same has been inspected, or
- (b) fails to perform any work in connection therewith in conformity with the directions of the engineer within five days after being notified to that effect as hereinbefore directed,

shall, for each such offence, be liable to a penalty not exceeding twenty dollars, and in default of payment to imprisonment for a period not exceeding ten days, and such penalty may be in addition to the cost of inspection or performance of work by the City. C. C., s. 595.

**641.** The City shall not be liable for any damage City not liable for damages. occasioned by the discharge of any sewage or water into any cellar in any case in which—

- (a) any provision of this Act in respect to sewers or drains, or of any ordinance or regulation made by the Council in respect thereto, has not been complied with by any owner or previous owner of the property, or
- (b) the cellar is constructed to a greater depth than within two feet of the level of the bottom of the public sewer in front of the cellar or below the level of the top of such sewer, or
- (c) sufficient descent has not been given to the private drain, or
- (d) the owner of the property has not taken reasonable precaution to prevent injury. C. C., s. 596.

**642.** (1.) No person shall—

- (a) injure or remove any portion of any catchpit, Catchpits, etc. not to be injured. receiving basin, covering flag, man-hole, vent-shaft, grating or any other part of any sewer or drain, or
- (b) obstruct the flow of water in any sewer or drain, or permit any substance to flow into any sewer or drain, which forms a deposit therein, or has a tendency to obstruct the same, or discharge any steam into any sewer.

(2.) Every person who contravenes or fails to comply with this section, shall, for each such offence, be liable to a penalty not exceeding forty dollars, and in default of payment, to imprisonment for a period not exceeding forty days. C. C., s. 597.

*(3.)—Construction.*

**643.** (1.) A public sewer shall be built only upon the order of the Council, on the recommendation of the Board of Public sewers, engineer to report on. Control, but before making any such order the matter shall be referred to the engineer for his report thereon.

(2.) If the engineer reports that the proposed sewer is not practicable, or not in accordance with the general sewerage plan of the City, the Council shall not order the same to be built. C. C., s. 598.

**644.** (1.) If the engineer reports that the proposed sewer is practicable and in accordance with the general sewerage plan of the City, he shall further report— Contents of report.

- (a) the total length of the sewer proposed to be built;
- (b) the probable cost thereof;

(c) such other information or remarks as he considers proper.

(2.) The Council, upon consideration of such report, shall decide whether to construct such sewer or not, and if it orders the same to be constructed, the work shall be done by the Board. C. C., s. 599.

(4.)—*Liability of Owners.*

Owner of property liable.

**645.** (1.) Whenever any public sewer is built in any street, every owner of any real property on either side of the street, fronting on such sewer in the manner provided in the next succeeding section, shall be liable to pay to the City towards the cost of construction of such sewer, the sum of one dollar and twenty-five cents for each lineal foot of his property so fronting.

(2.) The remainder of the cost of such construction shall be borne by the City. C. C., s. 600.

Frontage defined.

**646.** The following properties shall be considered as fronting on such sewer and liable under the next preceding section:—

(a) Every property lying on either side of the street, or part of the street, through which the sewer passes, and in the case of a court the end of the same shall be deemed a side.

(b) Every property situated at the upper end of the sewer, and within sixty feet thereof, shall be deemed to front thereon for so much of the property as is within the said sixty feet, measured along the side lines of the street from a point opposite the termination of the sewer, provided that no such property shall pay less than twenty-five dollars.

(c) Any property situated at the intersection or junction of two streets in each of which a sewer is constructed shall be deemed to front on both streets, but shall be exempt from liability on one of such streets in respect to so much of the property as lies within the distance of forty feet, measured along the line of the street from the intersection or junction of the two streets.

(2.) Any house or other building not otherwise chargeable under the provisions of this Act, but which will be benefited by any new sewer, shall be required to pay to the City the sum of twenty-five dollars for the privilege of draining into the same, either directly or through any private drain or intervening property. C. C., s. 601.

**647.** (1.) Upon the completion of any public sewer, or part of a sewer, the engineer shall make a plan of the street or portion thereof in which such sewer is constructed, showing the frontage in feet and inches of every property on such street or portion, and the name of the owner of each property. He shall also make a list of the owners of such properties with the frontage of each property, and the amount due in respect to each property, and shall file such plan and list in his office. Plan to be filed.

(2.) Upon such plan and list being so completed and filed, the same shall in any action or proceeding be conclusive evidence of the liability of every person therein named in respect to each property of which he is stated to be the owner for the amount stated in respect to each such property.

(3.) Any such plan or list may be amended from time to time by the engineer, and any such amendment shall, in like manner, be conclusive evidence of the facts therein stated.

(4.) The engineer shall furnish the collector and the assessors with copies of every such plan and list, or amendment thereof, with the date of filing in the office of the engineer endorsed thereon.

(5.) The amount for which any person is liable in respect to any lot of land, shall, from the date of the filing of such plan and list constitute and be a lien upon such land. C. C., ss. 602, 603.

**648.** (1.) The total amount for which any person is liable in respect to any property, shall be divided into ten equal instalments, the first of which shall be due and payable on the filing of the plan and list by the engineer, and one on each succeeding thirty-first day of May, after the first so succeeding, until the whole is paid. Amount payable by instalments.

(2.) To the first of such instalments shall be added the interest at six per cent. on the amount due in respect to the property from the date of the filing of the engineer's plan and list, and to each succeeding instalment shall be added the interest at six per cent. on the amount of principal then remaining unpaid.

(3.) The amount of such instalment and interest shall be included in the notice of rates and taxes for the year given to the owner of the property, and may be collected with the like rights and remedies. C. C., s. 603. 1907, c. 69, s. 27.

**649.** The collector shall keep a separate account of all moneys due for the construction of sewers, and shall annually report to the Council— Separate accounts to be kept.

(a) the owners of properties liable therefor and the sewer in respect to which each liability arose;



- (b) the amount due in respect to each property;
- (c) the amount paid in respect to each property. C., C., s. 608.

Properties not  
to be twice  
liable.

**650.** The owner of any property in respect to which a proportionate part of the cost of any public sewer has been at any time paid by him, or any former owner, shall not be liable to pay for the construction of any new public sewer opposite to such property and in the same street in which the former sewer was laid. C. C., s. 609.

#### LIENS FOR BETTERMENT CHARGES.

Betterment  
charge to be  
lien on prop-  
erty.

**651.** (1.) In any case in which by any provision of this Act, or any Act in amendment thereof, any charge, contribution or liability of any description is declared to constitute and be a lien on any real property such lien shall be a charge or lien on such property having preference and priority over any encumbrance, charge or lien of any description, other than a lien created by this Act, and payment of the amount thereof with interest at the rate of six per cent. may be enforced by the City as hereinafter provided.

(2.) The amount of any such lien, or if the same is payable by instalments in successive years the amount of the instalment or instalments then payable, shall be included by the collector in the notice requiring payment of rates and taxes sent to the person liable to discharge such lien, and may be collected together with such rates and taxes and with the same rights and remedies and may also be collected by action in the name of the City. The failure to include the amount of any such lien in any such notice shall not affect such lien or the right to compel payment thereof.

(3.) Any person liable to pay the amount of any such lien, or any owner or mortgagee of any property affected by any such lien, may at any time pay and discharge the whole amount of such lien with interest, whether such amount is payable at one time or by instalments. If such payment is made by a mortgagee he may add the amount of such payment to the amount secured upon the mortgage and enforce payment thereof in like manner as if it was a part of that amount. Upon such payment the lien on such land shall be extinguished, and an entry to that effect shall be made in the books of the City.

Provisions as  
to tax sales  
to apply.

**652.** The provisions of this Act respecting the sale of land for failure to pay the rates and taxes thereon shall apply in case of failure to discharge any lien on any real property, and such property may be sold for failure to pay the amount of any such

lien under and in conformity with such provisions, notwithstanding that no sum is due for rates and taxes in respect to the same.

**653.** If any land is sold by the City for failure to pay any sum secured thereon by a lien under this Act, whether for rates and taxes or for any charge created by this Act, the collector shall retain out of the proceeds of such sale the whole amount due to the City in respect to such land and secured by any lien or liens thereon, whether such amounts have then become fully payable or not, and whether any plan or list in respect to any such liability has been filed or not.

All charges  
to be retained  
on sale of  
land.

**654.** (1.) If the owner of any land subject to a lien payable by instalments sells the same before all the instalments of such liability are paid he shall continue to be personally liable for any instalment due and payable at the time of such sale, but he shall not be personally liable for any instalment becoming payable after such sale, and the owner of the land at the time such subsequent instalment becomes payable shall be personally liable therefor.

Liability in  
case of sale  
by owner.

(2.) Nothing in the section shall be construed to affect the lien upon the land which shall continue and may be enforced notwithstanding any such sale.

#### CITY PROPERTY.

**655.** (1.) All and singular the lands and real property and all buildings thereon, which at any time heretofore have been granted or conveyed to or by any body politic or corporate, or any person whomsoever, in trust for the use and benefit of the Town of Halifax, or of the inhabitants of the town or peninsula, or for any public use and purpose within the same, or used or appropriated for any such public use or purpose; and all lots and parcels of land, originally laid out or allotted, or now held for any such public use or purpose, or wherein the Town of Halifax, or the inhabitants of the City of Halifax, or any body politic or corporate, or other person on behalf of the Town, or for any public use, have or has, any title, interest, right or benefit at law or in equity are hereby absolutely vested in the City of Halifax and shall be by the said City held, used and occupied, in fee simple, for the public and common benefit and use of the City, according to the true intent and meaning of the original grant, purchase, conveyance, or assignment of the same respectively, subject nevertheless to and saving any interest, property, possession or right, which was acquired by any person under and by virtue of the statute of limitations, prior to the 31st day of March, 1892, and reserving to any person whomsoever any charge, encumbrance, claim or demand,

City proper-  
ties.

whether at law or in equity, subsisting at such date upon or against the said real property, or any part thereof.

(2.) Without excepting from the generality of the foregoing provision, the lands so vested shall include, together with any other lands, the land whereon the powder magazine stood, and the water lots and tenements belonging thereto, the passage to the fish market bought from the Board of Ordnance by the City, the lot of land at North-West Arm, the public markets, Rockhead farm and the lands attached thereto, the water lot near to the Freshwater bridge, the water lot purchased from Doctor Cogswell, the water lots at the south end of the Basin, public landing places or slips, the steamboat landing or property, the Stayner wharf property, Camp Hill Cemetery, the Common, the various lots on which the engine houses now stand, and the Grand Parade. C. C., s. 581.

Proceeds of  
North Fish  
Market.

**656.** The Council may apply the property of the City known as the North Fish Market, and the wharf and slip thereof, to such use or purpose as it deems for the benefit of the City; provided a landing and passage thereon of ten feet at least is left from the water to the street for public and free use. C. C., s. 582.

Leasing of  
city property.

**657.** (1.) The Council may lease any property of the City, and any lease of any such property when directed by the Council shall be executed under the seal of the City and by the hands of the mayor and the clerk.

(2.) The rent of any property so leased shall be payable to and collected by the collector, and shall form part of the general revenue of the City and be appropriated by the Council.

(3.) The mayor shall issue a distrain warrant under his hand and the seal of the City, directed to the chief of police, or his deputy, requiring him for any arrears of rent due from any person to the City in respect to premises leased by the City, to distrain upon the personal property of any person occupying such premises.

(4.) No lease shall be made of any real property of the City for a longer term than five years without the approval of the Governor-in-Council. C. C., s. 583

Acquisition of  
property on  
Bedford  
Basin.

**658.** (1.) The City may purchase or expropriate, in the manner provided in this Act, the property situated on Bedford Basin, and described as follows: "Bounded on the northeast by Gottingen street, on the southeast and southwest by the property of the City, and on the northwest by Bedford Basin, excepting therefrom so much thereof as is occupied by Campbell road, the Intercolonial Railway and the Halifax and South Western Railway."

(2.) When the City has obtained the said property it may close up so much of the Campbell road as passes through the same, and divert the said road to pass to the south of the track of the Intercolonial Railway, and, if need be, expropriate any land required for such diversion. 1907, c. 69, s. 33.

**659.** The City may acquire the land requisite for the construction of buildings to be given to the Dominion government in exchange for the property and buildings known as the Fuel Yard, and for the land and buildings required to be taken for the extension south of Brunswick street, and may, on any land so acquired, erect buildings and transfer such land and buildings to the Dominion government in exchange for the said Fuel Yard, and for the land required for the extension of Brunswick street. 1907, c. 69, s. 34.

Property for exchange for military property.

**660.** The City may lease the property known as "Stayner's Wharf," together with the dock and slip at present occupied by the Dartmouth Ferry Commission, and the wharf property to the south thereof, to the Dartmouth Ferry Commission for such period and for such rent and on such terms and conditions as the Council determines. 1907, c. 69, s. 36.

Stayner's wharf.

**661.** The City may sell the property known as the Islesville engine house, and the proceeds thereof shall be transferred to the general sinking fund. 1907, c. 69, s. 37.

Islesville Engine House.

**662.** The City may sell and dispose of the following lots of land, that is to say:—

Young Avenue, west side, one lot.....	66' x 165'
Wellington Street, east side, two lots .....	35' x 120'
	50' 6" x 120'
Tower Road, east side, one lot.....	35' x 140'
Fenwick Street south side, one lot.....	
Henry Street, west side, one lot .....	

for the best price obtainable, and any moneys realized from the sale thereof shall be paid to the trustees of the general sinking fund for the purpose of that fund. The lots herein mentioned are as described in the third schedule to chapter 69 of the Acts of 1913. 1913, c. 69, s. 16.

Certain lots may be sold.

**663.** The City may apply any moneys realized by the sale of the lands and buildings on Tower road, known as the old Exhibition Building, to the purchase of lands for erection of city work shops and stables, and to the construction of such workshops and stables thereon. 1907, c. 69, s. 38.

Old Exhibition Building moneys.

**664.** The proceeds realized by the City from the sale of the property known as the City Market, shall be applied to the

City Market moneys.



purchase of a property for a market and the construction thereon of a market building, and for no other purpose whatever. C. C., s. 585.

Dutch Village  
lots.

**665.** The lines and monuments of the Dutch Village lots, in the County of Halifax, shown on the plan signed by F. W. Christie, and dated January, 1894, and filed in the engineer's office, on the sixth day of February, 1894, shall hereafter be taken and accepted as the true boundaries of said respective lots, and the respective owners shall hold, occupy and possess their respective lots according to the boundary lines so established, and the monuments erected thereon and shown on said plan, and said plan shall be evidence thereof. C. C., s. 586.

Cabmen's  
shelter.

**666.** The City may erect a building to be used as a cabmen's shelter on any part of the land known as the Grand Parade. C. C., s. 586A.

Ordinances  
for regulation  
of City prop-  
erty.

**667.** The Council, on the recommendation of the Board of Control, may make ordinances for the regulation and management of the real property of the City or any part thereof. C. C., s. 584.

#### WATER SUPPLY.

Water system  
to be City  
property.

**668.** The lakes and water supply of the City, water mains, service pipes, hydrants, and all other property or works connected with the water supply of the City, shall continue to be the property of the City for all purposes. C. C., s. 610.

Board of  
Control to  
manage.

**669.** (1.) The management and supervision of the water works, and the maintenance thereof in a good condition of repair and efficiency, shall be performed and discharged by the Board of Control, and any improvements thereto or extension thereof ordered by the Council shall be executed by that Board.

(2.) The cost of such management, supervision and maintenance, shall be defrayed out of the income derived from the water supply, and any surplus of such income may from time to time, on the recommendation of the Board of Control, approved by the Council, be

(a) applied to improving or extending the water supply,  
or

(b) invested in the general sinking fund. C. C., s. 611.

Right of  
Board to  
enter land.

**670.** (1.) In the laying down, construction, repairing, and alteration of any main pipe or service pipe, the Board, its servants, agents, or workmen may from time to time, as occasion requires, enter upon any lands and tenements in the City, whether occupied or not, and may remain thereon as long as is

deemed requisite for the proper execution of the work; and may make any such excavation on the premises as is deemed expedient, and take up and remove any floor, timber, plank, or any wall, fence, or erection whatsoever, doing no unnecessary damage to the same and carefully replacing the same upon the requisite work being performed.

(2.) No such entry shall be made between the hours of sunset and sunrise, nor without the permission of the owner or the occupant, if resident on the premises, being first requested; but the refusal of such permission shall not prevent or delay the execution of the work. C. C., s. 612.

**671.** (1.) The owner of any dwelling-house situated on Service pipes. any portion of a street through which a main pipe is laid, shall be entitled, on application to the Board of Control, to a service pipe one-half inch in diameter to such house.

(2.) Such service pipe shall be laid at the expense of the City from the main pipe to the line of the street through the wall of the house, if the wall is on the line of the street.

(3.) The cost of laying such service pipe beyond the line of the street shall be borne by the applicant.

(4.) When a service pipe has been put into any house or premises, without objection by the owner to the position of the same, no subsequent removal or alteration of position of the pipe shall be made except at the expense of the owner. C. C., s. 613.

**672.** (1.) If any house so situated stands back from the Houses back from street line. line of the street the owner thereof may apply to the Board of Control to do the work of extending such service pipe from the line of the street to the house.

(2.) If the engineer is of opinion that such work may conveniently be done by the City, he shall make up an estimate of the cost thereof and the applicant shall deposit the amount of such estimate with the clerk of works, after which the work of the extension shall be done by the City, and the cost defrayed out of the money so deposited. C. C., s. 614.

**673.** (1.) The owner of any dwelling-house so situated Additional service pipes. may request that—

(a) more than one such service pipe, or

(b) a service pipe more than one-half inch in diameter, shall be laid to such dwelling, and the engineer shall decide whether such application shall be granted or not.

(2.) If the engineer is of opinion that the application can be granted, he shall make an estimate of the cost thereof in

excess of the cost of laying one ordinary service pipe, or if such ordinary pipe has been already laid, the whole cost of executing the work applied for, and the applicant shall deposit the amount so estimated with the clerk of works, after which the City shall execute the work applied for and defray such excess, or the whole cost as the case may be, out of the money so deposited.

(3.) Any balance of any amount so deposited after the execution of the work, in respect to which it was deposited, shall be returned to the applicant on request. C. C., s. 615.

Work not  
required at  
unsuitable  
season.

**674.** The City shall not be required to lay any service pipe at any season of the year which in the opinion of the engineer is not suitable for the performance of the work. C. C., s. 616.

Defilement of  
supply pro-  
hibited.

**675.** (1.) No person shall place, or permit to escape, upon any land adjacent to the Chain of Lakes, Spruce Hill Lakes, Long Lake, Bayers Lake, or Cocked Hat Lake, in the County of Halifax, or any lake at any time forming part of the water system of the City, or upon any land forming part of the water shed of any one of such lakes, any matter or thing of an offensive or deleterious nature, or calculated to impair the quality of the water for use for domestic purposes.

(2.) Every person who contravenes, or fails to comply with the provisions of this section, shall, for each such offence, be liable to a penalty not exceeding fifty dollars, and in default of payment, to imprisonment for a period not exceeding sixty days, and every day during which any such contravention or failure to comply continues shall be deemed a fresh offence.

(3.) Upon any such contravention or failure to comply coming to the knowledge of the engineer, he shall at once report the same to the solicitor, who shall forthwith take proceedings to enforce the penalty therefor, and may, in addition, take proceeding by action in the name of the City, to restrain the continuance of the same.

(4.) In any action or proceeding under this section, a map or plan of any such lake, and of the water shed of the lake, shall be sufficient evidence of the matters represented on the map or plan. C. C., s. 617.

Ordinances for  
regulation of  
water system.

**676.** (1.) The Council, on the recommendation of the Board of Control, may make ordinances, rules and regulations regulating the construction, location, maintenance, operation, renewal and removal of any main pipe or service pipe, conduit or tube, for any purpose, or belonging to any person, firm or corporation or association, upon, or along any street, park or public place of the City.

(2.) If any person contravenes or fails to comply with any such ordinance, rule or regulation so made, the engineer shall forthwith report the same to the solicitor, who shall at once take proceedings by action in the name of the City in respect to such contravention or failure to comply. C. C., s. 618.

## EXPROPRIATION OF LANDS.

**677.** In the following sections relating to the expropria-  
 tion of land, the expression "land or interest therein" means—  
 Interpretation of terms.

- (a) any land, whether held in fee simple or for any lesser interest, or
- (b) any stream, water course or land covered with water, or the right to dam up or stop any flow of water and thereby to overflow any land, or
- (c) any easement or right in, upon or over any land, or any other right or interest in, upon or over any land or land covered with water.

The expression "owner" includes a trustee, executor, guardian, curator, agent or other person having the charge or control of any real property. C. C., s. 619.

**678.** Whenever, on the recommendation of the Board of Control, the Council determines by resolution that any land or interest therein, whether situated within the City or not, is required by the City for any purpose connected with the water supply of the City, or for the extension or widening of any existing street, or the opening of any new street, or in connection with any city building, or for any other public work or service of the City, the City may contract for the purchase of such land or interest therein with the owner thereof. C. C., s. 620.

**679.** If—

- (a) no such contract can be made, or
- (b) such owner or person does not reside within the province or is unknown by the mayor or solicitor so to reside, or
- (c) in the opinion of the solicitor a good title cannot be made to such land or interest therein, or the owner or any other person interested therein is incapable of executing a good conveyance thereof, or

If contract impossible  
 City may expropriate.

(d) for any other reason it is deemed advisable so to do, the Council, on the recommendation of the Board of Control, may by resolution, determine to expropriate such land or interest therein. C. C., s. 621.



Failure to  
answer offer  
deemed re-  
fusal.

**680.** If any such owner, or other person having the power to sell, fails to answer an offer in writing by the City to purchase any such land or interest therein within thirty days after the receipt thereof, such failure may be deemed a refusal to contract. C. C., s. 622.

Plan to be  
made.

**681.** (1.) The engineer shall prepare a plan and description of the land proposed to be expropriated and a report on the matter of such expropriation, and submit the same to the Board of Control, which may approve, alter or amend the same and report to the Council with its recommendation thereon.

Land may  
be entered.

(2.) For any purpose connected with any such contemplated expropriation, the engineer, his assistants and servants, may enter upon any land in respect to which the expropriation is contemplated, and survey or examine the same, and if necessary in his judgment, may make borings or other excavations therein, and if such expropriation is not made, any damage to the land shall be paid for by the City. C. C., s 623.

Plan to be  
lodged in  
office of En-  
gineer.

**682.** A copy of such plan and description as approved by the Council shall be lodged in the office of the engineer, where the same may be inspected by any person interested. C. C., s. 624.

Whole may  
be taken,  
though part  
only required.

**683.** If the engineer reports that it is expedient so to do, the Council may include in the land to be expropriated the whole of any property, a part only of which is required for the purpose for which the expropriation is to be made. C. C., s. 625.

Notice of  
intention to  
expropriate.

**684.** (1.) If the owner of the land or interest therein intended to be expropriated resides within the province, and is known to the mayor or solicitor, the engineer shall give him notice in writing of the intention of the City to expropriate such land or interest therein, and shall also in every case publish a copy of such notice in not less than two newspapers published in the City, for two weeks, by two insertions in each week. Such notice shall contain a description of the land or interest therein intended to be expropriated, and that the City intends at the expiry of the time limited therefor to expropriate the same.

Mortgagee  
need not be  
served.

(2.) It shall not in any case be necessary to serve any mortgagee of any land sought to be expropriated with a copy of such notice. C. C., s. 626.

Resolution for  
expropriation  
—payment  
into Court.

**685.** At the expiration of two weeks from the giving of such notice, or from the first publication thereof (whichever last happens), the Council may, by resolution, declare the land

or interest therein to be expropriated, and shall pay into the supreme court at Halifax such sum as in the judgment of the Council is a reasonable compensation for the land or interest therein expropriated, and notice of such payment shall be given to such persons and by such publication as is hereinbefore provided in respect to the notice of intention to expropriate. C. C., s. 627.

**686.** A copy of such resolution, with a copy of the plan and description, shall be lodged for registry in the registry of deeds at Halifax. C. C., s. 628. Copy for Registry of Deeds.

**687.** (1.) Upon the passage of such resolution, the making of such payment and the lodging for registry of such documents, the title to the land or interest therein declared to be expropriated shall be absolutely vested in the City free from any incumbrance or lien of any description whatever. Lands to vest in City on passage of resolution.

(2.) If any resistance or opposition is made by any person to the engineer or other official of the City entering upon and taking possession of any lands on behalf of the City, a judge of the supreme court, on proof of the passing of such resolution, the lodging of such plan in the office of the engineer and the registrar of deeds and the payment of the money into court, and after notice to show cause given in such manner as he directs, may issue his warrant to the sheriff of the county within which such lands are situated, directing him to put down such resistance or opposition, and to put the City in possession thereof; and the sheriff shall take with him sufficient assistance for such purpose, and shall put down such resistance and opposition, and shall put the City in possession thereof; and shall forthwith make return to the supreme court of such warrant, and of the manner in which he executed the same. C. C., s. 629.

**688.** If the owner within one month from the service upon him of such notice of payment, or the first publication thereof, (whichever is latest), gives notice in writing to the City that the amount of such compensation is insufficient and names a person as arbitrator, the City shall forthwith name an arbitrator, and the two so named shall appoint a third, or if they are unable to agree, such third arbitrator shall be appointed by a judge of the supreme court, and the three arbitrators so appointed shall determine the amount of such compensation, and shall file their award with the engineer, and the provisions of the Arbitration Act shall apply to any proceedings had by the arbitrators. C. C., s. 630. Appointment of arbitrators

**689.** The owner and the City may, if they see fit, appoint one person sole arbitrator, and the compensation may be determined by him. C. C., s. 631. Sole arbitration by consent.

Owner not  
appointing  
deemed to  
accept.

**690.** If the owner does not give such notice and name an arbitrator within one month, he shall be deemed to have accepted the amount of compensation so paid into court as sufficient, but in such case any holder of any charge or incumbrance on the land expropriated, or otherwise interested therein, may give such notice and name an arbitrator within one week from the expiry of the month, and the arbitration shall proceed accordingly. C. C., s. 632.

Arbitrators  
fee.

**691.** (1.) Every arbitrator shall be paid by the City the sum of six dollars for each separate parcel of land or interest in land compensation for which is arbitrated on by him.

(2.) In any case requiring an unusual amount of time or labor the City may pay the persons employed as arbitrators such additional sum for their services as the Council sees fit. C. C. 633. 1913, c. 69, s. 17.

Both benefit  
and injury to  
be considered  
—fencing.

**692.** In determining the amount of compensation to be paid for any land expropriated for opening, extending, widening or altering any street, the arbitrators shall take into consideration the relative benefit and injury occasioned to any remaining portion of the owner's land, adding thereto an estimate for the cost of fencing such portion, if rendered necessary. The amount of such estimate for fencing need not be paid into court, but may be paid to the owner on such fencing being completed. C. C., s. 634.

Amount of  
award, dis-  
position of.

**693.** If the amount of compensation determined by the arbitrators exceeds the amount paid into court, the City shall pay the amount of the excess into court. If such amount is less than the amount paid into court, the difference may be paid out to the City on the application of the solicitor. C. C., s. 635.

Lien on  
compensation  
money.

**694.** Any money paid into court on account of any expropriation shall be subject to every lien, incumbrance, or other charge to which the land or interest therein expropriated was subject. C. C., s. 636.

Payment out  
of Court.

**695.** Any money paid into court may be paid out to the person or persons entitled thereto on application to a judge of the court, notice of such application being first given to the mayor, and on such application the judge shall make such orders and direct such notices to be given as he deems necessary to protect all persons interested in the money so paid in. C. C., s. 637.

Certificate of  
registrar.

**696.** If upon any application for the payment out of money a certificate of title is required, the registrar of deeds shall furnish the same for a fee of three dollars, to be paid by the City. C. C., s. 638.

**697.** The City shall pay the cost of any such application Costs to be paid by City. not exceeding fifteen dollars in all. C. C., s. 639.

**698.** The City may sell any land so expropriated not Sale of expropriated land. required for the purpose for which the expropriation is made, and the moneys realized from any such sale shall be applied to the payment of any debt incurred in connection with such expropriation, and for that purpose may be used for the payment of the instalments of any loan contracted for such debt, or may be paid into any sinking fund established in connection therewith, or into the general sinking fund, as may be most appropriate. C. C., s. 640.

## CEMETERIES.

**699.** (1.) Several enactments having been made by the Cemeteries. legislature at different times with a view to obtain and secure to the City a public cemetery for general use, and that object having been at length accomplished, the respective titles of the City to the land contained in the public cemetery, that of the Roman Catholics to the land held as a Roman Catholic cemetery, and that of the principal secretary of state for the war department for military purposes, or of His Majesty, to any land conveyed and now held under these enactments, are hereby confirmed.

(2.) The enactments referred to are the Act of 1829, the tenth year of the reign of his late Majesty King George the Fourth, chapter thirty-two, section eight—in (1833) the third year of the reign of his late Majesty King William the Fourth, chapter thirty-two, section first—in (1837) the seventh year of the reign of his late Majesty King William the Fourth, chapter seventy-six—in (1838) the first year of the reign of her late Majesty Queen Victoria, chapter seventeen—in (1839) the second year of the reign of her late Majesty Queen Victoria, chapter twenty-five—in (1840) the third year of the reign of her late Majesty Queen Victoria, chapter forty-seven—in (1843) the sixth year of the reign of her late Majesty Queen Victoria, chapter thirty. C. C., s. 641.

**700.** No one shall bury the dead in any part of the City Burials prohibited, except in Cemeteries. except in the public cemetery known as Camp Hill, the Roman Catholic cemetery, known as the cemetery of the Holy Cross, the military burying ground at Fort Massey, the naval burying ground opposite the naval hospital, the cemetery adjoining St. John's Episcopal Church, Fairview Cemetery, the Roman Catholic cemetery at Dutch Village, and the Jewish cemetery at Fairview. C. C., s. 642.

**701.** (1.) The Cemetery at Camp Hill shall be managed Camp Hill Cemetery Commission. and controlled by a board of seven commissioners, to be known



and designated as the "Commissioners of Camp Hill Cemetery."

(2.) The board shall be composed of four members of the Board of Control, appointed by that Board, and three rate-payers of the City, not members of the Council, who shall be appointed by the Council and shall hold office for the term of two years, but shall be eligible for re-appointment, and hereinafter designated citizen commissioners.

(3.) Any vacancy occurring in the board shall be filled by the Board of Control if the vacancy is that of a member of the Board of Control or if the vacancy is that of a citizen commissioner by the Council for the unexpired term.

(4.) The board shall elect its own chairman.

(5.) The mayor, the chairman of the board, and the treasurer, shall be a board of trustees to hold in trust any funds or property bequeathed or presented for the maintenance or improvement of the said cemetery, or any lot therein. C. C., s. 642. B. C., s. 16.

Ordinances  
for same.

**702.** (1.) The Council may make ordinances to provide for the care and custody of the public cemetery known as Camp Hill.

(2.) The religious principles and sentiments of every person shall be respected in the framing of any such ordinances. C. C., s. 643.

Congrega-  
tional allot-  
ments.

**703.** (1.) The portions of Camp Hill cemetery already set apart to congregations shall continue under their charge, subject to the right of the Council to regulate and control and to preserve the order and appearance of the whole.

(2.) No clergyman shall officiate in any portion so set apart except the minister of the congregation to which the same belongs, or some one by his permission. C. C., s. 644.

Lots within  
same subject  
to rules of  
congregation.

**704.** The purchaser of any lot, situated within the allotment of any congregation, shall hold and use the same, subject to the rules of the congregation, and further subject to any ordinance of the City respecting the fencing, planting, and mode of using the lot. C. C., s. 646.

Titles  
confirmed.

**705.** (1.) The purchasers of lots in the cemetery who have paid for them, shall hold the same in perpetuity for them and their kindred.

(2.) The board may sell any remaining lot in perpetuity.

(3.) The City shall keep a record of all lots sold, with the requisite particulars to verify the holders' titles. C. C., s. 647.

**706.** The Council may direct the further division or allotment of any portion of the public cemetery not already set apart. C. C., s. 645. Further division.

**707.** There shall be a keeper of the public cemetery appointed annually by the Council, on the nomination of the board, which shall fix his compensation. He shall be sworn to the faithful discharge of his duties. He shall keep a book of register, and enter therein every burial that takes place in the cemetery, with the name, sex, age, and cause of death, as correctly as may be. Of this book there shall be duplicate originals to be kept by the keeper and one to be lodged in the office of the clerk. These books, or either of them, shall be legal evidence of the fact of burial. C. C., s. 648. Keeper of Cemetery.

**708.** A fee of one dollar for registry shall be paid to the keeper for the use of the City, upon every interment, and no other fee or charge shall be exacted. C. C., s. 649. Fee on interment

**709.** The external walls or fences of the public cemetery shall be kept up and repaired at the charge of the City. C. C. s. 650. Fences to be maintained by City.

**710.** The City shall be responsible for the reasonable expenses of burying in the Jewish cemetery, near Fairview, any person of the Jewish faith, for whose interment the City is properly chargeable. C. C., s. 651. Burials in Jewish Cemetery.

**711.** The agreements respecting the burial of the poor entered into between the City and the Fairview Cemetery Company, and between the City and the Roman Catholic Episcopal Corporation, copies of which are set out in the schedule to chapter 49 of the Acts of 1895, are hereby confirmed. C. C., s. 652. Certain agreements confirmed.

#### THE COMMON AND POINT PLEASANT PARK.

##### (1.)—*The Common.*

**712.** The common of Halifax, including the public gardens, shall, subject to the general and final control and approval of the Council, continue to be managed and controlled by a board of ten commissioners, to be called and known as the "Commissioners of Halifax Common," and constituted and appointed as hereinafter provided. C. C., s. 653. B. C., s. 16. Commissioners of Halifax Common.

Composition  
of Board.

**713.** Such board shall be composed of the five members of the Board of Control and one alderman to be appointed annually by the Council and of four ratepayers of the City hereinafter designated citizen commissioners, appointed by the Council as hereinafter provided. C. C., s. 653. B. C., s. 16.

President  
and Vice-  
President.

**714.** The mayor shall be chairman of the board and one of the citizen commissioners shall annually be appointed vice-chairman by the board. C. C., s. 654.

Rotation in  
office.

**715.** The two senior of such four citizen commissioners shall retire from office on the thirtieth day of April in each year; and two ratepayers to hold office for two years shall be chosen by the Council to fill the places of those so retiring. The citizen commissioners shall hold office until their successors are appointed and shall be eligible for re-election. C. C., s. 655.

Vacancies.

**716.** Any vacancy occurring in the board other than that of a member of the Board of Control shall be filled by a person appointed by the Council, to hold office in place of and for the unexpired term of the commissioner causing the vacancy. C. C., s. 656.

Removal of  
Commis-  
sioners.

**717.** Any commissioner, other than a member of the Board of Control, may be removed by a majority vote of the Council upon cause shown and upon the request in writing of six members of the board, one at least of whom shall be a citizen commissioner, or, without such request, upon cause shown and by a two-thirds vote of the Council. C. C., s. 657.

Common  
vested in  
City.

**718.** Subject to the reservations, appropriations and leasehold interests hereinafter set out, the title to the common shall continue to be vested in the City of Halifax in fee simple. C. C., s. 658.

Buildings  
prohibited.

**719.** (1.) No person shall put up any building, fence or other erection within eighteen hundred feet of any of the salient angles of the fortress of citadel hill, without permission of the commander-in-chief of His Majesty's forces in the province.

(2.) The exercising ground at the north-end of the common shall remain always open and free for the use of His Majesty's troops.

(3.) No building shall be erected on the portion of the common lying between Spring Garden Road and Morris Street and bounded westwardly by the Tower Road and eastwardly by South Park Street. C. C., s. 659.

**720.** (1.) The portions of the common which have been appropriated as a public cemetery, as well as a portion containing twelve acres granted and relinquished to the crown by an Act of the province passed in the first year of the reign of his late Majesty King William the Fourth, chapter fourth, shall all remain and be forever so appropriated. Portions appropriated for specified purposes.

(2.) Every other lease or appropriation which has been heretofore lawfully made of any portion of the common is hereby confirmed. C. C., s. 660.

**721.** Nothing in this Act shall affect the title of the Crown or of the principal secretary of state for war to a certain piece of land on Windmill or Camp Hill. Camp Hill. C. C., s. 661.

**722.** The persons to whom leases were granted of certain half acre lots lying on each side of the road leading westwardly from Pyke's Bridge (formerly so-called), out of the original common of Halifax, for terms of nine hundred and ninety-nine years, under chapter 13 of the Acts of 1818, and the persons deriving title from such lessees, shall hold such leases agreeably to the terms of their respective leases as modified by chapter 32 of the Acts of 1829. Leases of Common lots. C. C., s. 662.

**723.** (1.) The City may agree with any person holding under lease as provided in the next preceding section any of the said half acre lots, or any portion of a lot, for the commutation or discharge of the lease, and the sale to such person of the lot or portion thereof, and may give to such person a deed of such lot, or portion, in fee simple. Commutation of same.

(2.) The price to be paid for such lots, and the other terms and conditions of such commutation, shall be fixed by the Council by ordinance.

(3.) The moneys derived from any such commutation and sale shall be invested, and the income therefrom used in the improvement of the common. C. C., s. 663.

**724.** (1.) The City, upon the request of the commissioners of Halifax common, may demise and let to such person or association, for such a period, at such rental, and upon such other conditions, as the commissioners determine, the whole or any part of that portion of the common which is bounded easterly by Bell road, southerly by Sackville street, westerly and northerly by Summer street and Bell road. And the commissioners or such lessees may enclose the whole of such demised premises with fences, and shut up any streets or ways over the same; and any right of passage which the public or any person

Wanderers Grounds.



whosoever at any time had or claimed over the same shall remain forever barred and extinguished.

(2.) Upon the delivery of a lease of such demised premises, executed on behalf of the City by the mayor and clerk, the lessee shall be entitled, subject to the conditions of such lease, to the sole and absolute possession of the lands therein described, including any lands at any time laid off, dedicated or used as a street or highway over the same.

(3.) Such lessees may erect such buildings or other structures upon, and make such alterations on the surface of, the demised premises, as the commissioners determine.

(4.) Nothing in this section contained shall affect any right of the Crown in any portion of the common so demised. C. C., s. 664.

Disposition  
of rents.

**725.** The rents accruing from the leased parts of the original common shall be collected by the collector, and form part of the revenue of the City, and the Council may appropriate any sum received from such rents to the improvement and adornment of the parts of the common not appropriated or leased. C. C., s. 665.

Ordinances  
for Common.

**726.** The Council may make ordinances for the care management and improvement of the common and public gardens, and other parks, squares and public places. C. C., s. 666.

*(2.)—Point Pleasant Park.*

Directors of  
Point Pleasant  
Park.

**727.** The four commissioners not members of the City Council at present serving as commissioners of Point Pleasant Park, and their successors, with the members of the Board of Control and two aldermen to be appointed annually by the Council, shall continue to constitute the board or body corporate known as the "Directors of Point Pleasant Park," with power in case of the death, incapacity, removal from the province, or resignation of any of the four commissioners first named, to fill up such vacancy from time to time by a new appointment, to be entered on the minutes of the board. C. C., s. 667.

Duties of  
Board.

**728.** The board may receive any subscription or contribution offered for laying out and embellishing the park; shall appoint a secretary and treasurer, whose office shall be gratuitous, and shall employ suitable persons to superintend and perform any work therein, but the plan of any proposed change shall be subject to the approval of the officer in command of the troops and the officer commanding the royal engineers at Halifax. C. C., s. 668.

**729.** The board may, subject to the approval of the Governor-in-Council, make regulations or by-laws for the maintenance of good order and decorum in the park, the preservation thereof, and the duties of the park-keeper and other officers, but no fees or tolls shall be exacted for the use of the park. C. C., s. 669. Regulations by Board.

**730.** Nothing in the foregoing provisions with respect to Point Pleasant Park shall be construed to prevent His Majesty's principal secretary of state for war at any time hereafter from taking exclusive possession of any portion of the park, which is required for the formation of forts or batteries, or for any other military purpose connected with the imperial service. C. C., s. 670. Rights of Crown preserved.

## CITIZENS' FREE LIBRARY.

**731.** (1.) The Citizens' Free Library shall be managed by a board of nine commissioners, to be known and designated as the "Library Commission." Library Commission.

(2.) The board shall be composed of the members of the Board of Control and one alderman to be appointed annually by the Council, and three ratepayers of the City, not members of the Council, hereinafter designated "citizen commissioners," who shall be appointed by the Council and shall hold office for three years and shall be eligible for re-appointment.

(3.) Any vacancy occurring in the board, other than that of a member of the Board of Control, shall be filled by the Council for the unexpired term.

(4.) The mayor shall be chairman of the board.

(5.) The mayor, the treasurer and the auditor shall be a board of trustees, to hold in trust any funds or property bequeathed or presented for the maintenance or improvement of the library.

(6.) The three ratepayers appointed by the Council holding office as commissioners at the coming into force of this Act shall continue to hold office for the terms for which they were respectively appointed. 1907, c. 69, s. 31.

## PART IX.

## OF THE PREVENTION OF FIRES AND THE FIRE DEPARTMENT.

## FIREWARDS.

Fire department to be under Board of Control.

**732.** The Board of Control shall have the management and supervision of the fire department of the City. B. C., s. 15.

Board to control expenditure of department.

**733.** The expenditure of all moneys in connection with the fire department shall be made through the Board and all accounts in connection therewith shall be submitted to the Board for examination, and the same, if correct, shall be certified by the mayor and sent to the Council for approval, and the Council shall direct payment of the same if approved. C. C., s. 673.

Yearly estimate.

**734.** The Board shall annually submit to the Council an estimate of the amount required for purposes of fire protection for the year, and the Council may grant the same or such other amount as the Council determines. C. C., s. 674.

Report on requirements.

**735.** The Board may also, as often as it deems requisite, report to the Council the condition of the apparatus for the prevention and extinguishment of fire and what repairs or additions thereto are required, and an estimate of the cost thereof. C. C., s. 675.

## FIRE DEPARTMENT.

Chief officer.

**736.** The Council, on the nomination of the Board, shall appoint a chief officer for the fire department, hereinafter referred to as "the chief officer," who shall be paid such salary as the Council, on the recommendation of the Board determines, and shall hold office as hereinbefore provided. C. C., s. 676.

Other officers and men.

**737.** (1.) The Council, on the nomination of the Board, shall appoint such other permanent and paid officers and men for the department, and such call firemen at such salaries or wages and on such terms as it from time to time determines, on the recommendation of the Board.

(2.) The City may also employ such supernumerary firemen, not exceeding six in each division, as the Board deems necessary. The conditions on which such supernumerary firemen shall be employed shall be determined by regulations made by the Board, subject to approval by the Council. C. C., s. 677.

**738.** (1.) The chief officer of the fire department shall have entire and absolute control at any fire at which he is present, and shall not be interfered with by any person whomsoever. Chief officer to control at fire.

(2.) In the absence of the chief officer, his duties shall be discharged by the senior officer present. C. C., s. 678.

**739.** The officer in charge at any fire may direct any portion of any street to be roped off, and any person attempting to pass along any portion of the street so roped off, or to interfere with the ropes, may be forthwith arrested by any police officer, and detained in the city lock-up until he can be brought before the stipendiary magistrate, and shall be liable to a penalty not exceeding ten dollars, and in default of payment to imprisonment for a period not exceeding ten days C. C., s. 679. Street may be roped at fire.

**740.** (1.) The officer in charge at any fire, with the concurrence of three members of the Board present, may direct any building to be pulled down if in their judgment the doing so will tend to prevent the further spread of the fire. Or building pulled down.

(2.) If three members of the Board are not present, any concurrence which might be given by a member thereof may be given by any alderman present. C. C., s. 680.

**741.** The officer in charge at any fire and the firemen may, for the purpose of extinguishing the fire, or preventing its spreading, or the removal of property, break and enter into any building or premises on fire, or threatened therewith, or entry into which is deemed necessary. C. C., s. 681. Or broken into.

**742.** The chief officer may demand admission into any building or premises in which he has reason to believe there is— Dangerous premises may be inspected.

- (a) any dangerous chimney, stove or stove pipe; or
- (b) any dangerous accumulation of combustible or explosive materials, or in which such materials are habitually placed or stored in a dangerous place or manner; or
- (c) any other ground for apprehending danger of fire, and may inspect such building or premises. C. C., s. 682.

**743.** If the chief officer is of opinion that such building or premises are in a dangerous condition, or that combustible or explosive materials are placed or stored therein in a dangerous manner, he may request the owner or occupier of the building or premises to remove the cause of danger or desist from using the building or premises in a dangerous manner, or to have such material removed or properly placed or stored, as the case may be, and if such owner or occupier fails to comply Report by chief officer.



with such request, shall report the matter to the Board. C. C., s. 683.

Notification  
to owner.

**744.** The Board, on receiving any such report, may notify such owner or occupier to have such building or premises at once put in a safe condition, or any such material removed or properly placed or stored, or to desist from storing any such material in the building or upon the premises, as the case may be. C. C., s. 684.

On failure of  
compliance,  
Board may  
act.

**745.** (1.) If any person so notified fails to comply therewith for forty-eight hours, he shall, for each day during which such failure continues, be liable to a penalty not exceeding twenty dollars, and in default of payment thereof, to imprisonment for a period not exceeding ten days.

(2.) The Board may also, whether a penalty has been imposed or not, remove the cause of danger, and may recover the expense of so doing from the owner of the building or premises by action in the name of the City. C. C., s. 685.

Meddling with  
apparatus  
prohibited.

**746.** Any person who wilfully, and without reasonable excuse, meddles or interferes with any apparatus for the extinguishing of fire in use at any fire, shall be liable to a penalty not exceeding eighty dollars, and in default of payment, to imprisonment for a period not exceeding three months. C. C., s. 686.

Right of  
way for  
apparatus.

**747.** The officers and men of the fire department, when going to any fire with the engines or other apparatus, shall have the right of way on any street, and any person who wilfully or negligently obstructs or retards the passage of any such engine or apparatus shall for every such offence be liable to a penalty not exceeding fifty dollars, and in default of payment, to imprisonment for a period not exceeding three months. 1907, c. 69, s. 30.

Dangerous  
businesses  
prohibited.

**748.** (1.) No person shall establish in any part of the City any manufactory or business of such a character as to cause increased danger of fire to the adjoining properties without first obtaining the permission of the Council.

(2.) Such permission may be given upon such terms and conditions in respect to the establishment and operation of the manufactory or business as to the Council seems fit, and upon failure to comply therewith, such permission may be revoked, and the manufactory or business shall thereupon be discontinued, and such discontinuance may, if need be, be enforced by action in the name of the City. C. C., s. 687.

ORDINANCES.

**749.** The Council, on the recommendation of the Board of Control, may make ordinances—

- (a) for the regulation of the fire department;
- (b) for the prevention of the occurrence or spreading of fires;
- (c) for regulating the storage of any goods, apparatus or property liable to explode or cause danger in case of fire. C. C., s. 688.

UNION PROTECTION COMPANY.

**750.** (1.) Nothing in this Part of this Act contained shall affect the rights and status of the Union Protection Company. Union Protection Company.

(2.) The Council, on the recommendation of the Board of Control, may make such annual grant as it deems fit to that company, on condition that the company provides and keeps, to the satisfaction of the Council, a sufficient number of horses and drivers, waggons and other apparatus, on its premises ready for use at fires.

(3.) The members of the company at any fire may enter any building on fire, or threatened with fire, for the purpose of saving property therein. C. C., s. 689.

FIRE ALARM TELEGRAPHS, ELECTRIC SYSTEMS AND FIRE ESCAPES.

**751.** The City may maintain a fire alarm telegraph, and may attach the wires thereof to any building or structure, public or private, within the City, doing no more damage than is necessary, and may also attach a striker to any church bell or other bell, and for doing so shall not be liable to any action or claim for damage or injury, except such as is occasioned by the negligence or unskilfulness of its employees or servants. C. C., s. 690. Wires may be attached to buildings or strikers to church bells.

**752.** (1.) The Council, on the nomination of the Board of Control, shall annually appoint a person skilled in the science of electricity to be city electrician. He shall hold office for one year, and shall receive such salary as the Council on the recommendation of the Board of Control determines. City Electrician.

(2.) The person so appointed shall be under the direction of the Board of Control. He shall have charge of the fire alarm telegraph and of any other electrical apparatus of the City, and perform such other duties as are specified by the Council or the Board of Control. C. C., s. 691.

May inspect  
buildings.

**753.** The electrician may enter into any dwelling-house at any reasonable time, and any public building or building used for the purpose of entertainment or amusement at any time, for the purpose of inspecting or testing the electric system, fittings or accessories thereof, and ascertaining whether the same conform to law. C. C., s. 692.

Permit for  
wiring.

**754.** No person shall—

(a) place in or upon any building any wire for the transmission of electricity, or any apparatus, attachment or fitting for electrical purposes; or

(b) make any alteration or change in the plan of wiring any building for electricity,

without first obtaining a permit therefor from the electrician, to be issued by him upon such terms and conditions as he deems proper. C. C., s. 693.

Defective  
installation.

**755.** If any installation or system of electric wiring or plant for the generation of electricity, or any apparatus or fitting in connection therewith, becomes so defective as in the opinion of the electrician to threaten an immediate danger to life or property, the electrician may immediately suspend the operation of the same until the necessary repairs have been effected. C. C., s. 694.

Wires to be  
placed as  
directed.

**756.** (1.) The Board of Control may direct that any wire for the transmission of electricity may be placed upon any pole supporting a wire for the transmission of a similar class of electricity, whether it is the property of the owner of the wire or of any other person.

(2) Every person who refuses to comply, or to permit compliance with any such direction, shall be liable to a penalty not exceeding ten dollars for each day on which such refusal continues.

(3.) In addition to such penalty, the Board may itself place the wire as directed, and recover the cost of so doing from the person so failing to comply.

(4.) The amount of rent or other compensation to be paid for the use of any pole on which any wire the property of some person other than the owner of the pole has been placed under this section, shall, if the persons interested are unable to agree, be determined by the engineer. C. C., s. 695.

Ordinances.

**757.** The Council, on the recommendation of the Board of Control, may make ordinances—

(a) for regulating the erection, maintenance and location of poles and wires in the streets;

- (b) for regulating the construction, maintenance, and operation of the fire alarm telegraph, and
- (c) for the registration and licensing of persons engaged in the business of electric wiring and the manner in which electric wiring shall be done, and the character of materials to be employed therein. C. C., s. 696.

MISCELLANEOUS.

**758.** Every person who wilfully and without reasonable excuse by outcry or ringing of bells, or starting an alarm from any fire alarm telegraph box, or otherwise makes or circulates, or causes to be made or circulated, any false alarm of fire, shall be liable to a penalty not exceeding forty dollars, and in default of payment to imprisonment for a period not exceeding one month. C. C., s. 697.

False alarm of fire prohibited.

**759.** (1.) If any chimney or flue, or any apparatus for heating, lighting, power, or other purpose, on any premises, is, in the opinion of the inspector of buildings, unsafe by reason of endangering the premises by fire or otherwise, the inspector shall at once notify in writing the owner, agent, occupier, or other person having an interest in such premises, and shall require him to make the same safe.

Dangerous chimneys, &c.

(2.) If the person so notified fails to comply at once with the requirements of the notice, he shall be liable to a penalty of not less than ten nor more than thirty dollars for every day during which such failure continues.

(3.) The decision of the inspector as to the unsafe condition of such chimney, flue, or apparatus, shall be conclusive. C. C., s. 698.

BOARD OF FIRE ESCAPES.

**760.** (1.) The Board of Control shall be the Board of Fire Escapes for the City, under the provisions of the Fire Escapes Act.

Board of Fire Escapes.

(2.) The Council, on the recommendation of the Board of Control, may make ordinances not inconsistent with the provisions of that Act, regulating the location, construction and maintenance of fire escapes. C. C., s. 699. B. C., s. 14.

SUPERANNUATION FUND FOR FIRE DEPARTMENT.

**761.** (1.) The fund for the Superannuation of the permanent officials and employees of the fire department established by chapter 72 of the Acts of 1907 is hereby continued.

Firemen's Superannuation Fund.

(2.) The following provisions relating to such superannuation fund shall not apply to the callmen and supernumeraries. 1907, c. 72, s. 1.



Trustees and  
control of  
fund.

**762.** The mayor, the auditor, the treasurer and a member of the Board of Control, appointed by the Board, shall be the trustees of the fund, and the treasurer shall be the treasurer thereof. The fund and all accounts in connection therewith shall be kept separate from the other moneys and accounts of the City, but shall be audited by the auditor in like manner as the other accounts of the City, and shall be managed by the trustees, subject to the control of the Council. The fund may be invested in any investment authorized by the Trustees' Act. 1907, c. 72, s. 2.

How moneys  
of fund  
drawn.

**763.** (1.) The moneys of the fund shall not be drawn out except on the cheque or order of the trustees, or any two of them, one being the treasurer.

(2.) Such cheque or order shall not be made except upon the authority of a resolution of the Council passed upon a report of the Board of Control recommending the payment. 1907, c. 72, s. 3.

Annual  
report.

**764.** The trustees shall make an annual report to the Council respecting the amount and state of the fund, showing how the same is invested and the name of every person receiving payment from the same, with the amount of the payment. 1907, c. 72, s. 4.

Deficiency to  
be paid by  
city.

**765.** If the fund in any year is not sufficient to meet all the claims against it, the sum required to meet any deficiency shall be paid out of the revenues of the City, and shall be provided for specially in the estimates and rated and collected along therewith. 1907, c. 72, s. 5.

Employees of  
department to  
contribute to  
fund.

**766.** Every official or employee of the fire department on the 25th day of April, 1907, who is appointed for life or during good behaviour, or who is annually appointed, and who was on the said date under the age of fifty-five years, and every official or employee thereafter appointed to any office in the fire department held during good behaviour or which is annually filled by appointment, shall contribute to the fund an amount equal to four per cent. of his salary, such amount to be deducted monthly from his salary. 1907, c. 72, s. 6.

Contribution  
optional over  
55.

**767.** Every such official or employee of the City who, at the date aforesaid, was over the age of fifty-five years may, at his option, contribute such amount of four per cent. on his salary to the fund, and in such case shall be entitled to receive an allowance from the fund as hereinafter provided. 1907, c. 72, s. 7.

**768.** Every official or employee who has contributed to the fund for ten years or more, and who has reached the age of sixty years, may, on the recommendation of the Board of Control, be permitted by the Council to retire from his employment and to receive from the fund an annual allowance for the remainder of his life. Such allowance shall be determined by the average amount of the yearly salaries on which he has contributed, and shall be equal to one-fiftieth of such average amount for each year in which he has contributed; provided, that in no case shall the amount of such allowance exceed thirty-fiftieths of such average amount. 1907, c. 72, s. 8.

Right to participate at 60 after 10 years contribution.

**769.** Every official or employee who has contributed to the fund for thirty years or more, and who has reached the age of sixty years, shall be entitled to retire from his employment and to receive from the fund for the remainder of his life an annual allowance equal to thirty-fiftieths of such average amount of his salary. 1907, c. 72, s. 9.

Participation after 30 years contribution.

**770.** (1.) Every official or employee who has contributed to the fund for ten years or more, and who has on the recommendation of the Board of Control, and on the report of two physicians, one of whom shall be the medical officer, been declared by the Council to be incapacitated or unfit for the discharge of his duties, and is retired from his office or employment by a two-thirds majority vote of the whole Council, shall receive from the fund an annual allowance, computed as hereinbefore provided, until the amounts so paid by way of allowance equal the amounts which he has contributed to the fund with interest thereon at three per cent per annum, and thereafter he may be paid from the general revenues of the City, to be raised by taxation, such allowance as the Council determines.

Participation on retirement from incapacity.

(2.) Nothing in this section shall apply to any official or employee who is dismissed by the Council for misconduct or other cause. 1907, c. 72, s. 10.

**771.** (1.) Any official or employee who is permanently appointed, and who has contributed to the fund for not less than two years, and who voluntarily retires from employment by the City without being permitted to receive an allowance on retirement as hereinbefore provided, or is dismissed by the Council for cause, shall be entitled to receive from the fund in one payment one-half of the total amount which he has contributed, without interest.

Voluntary retirement or dismissal for cause.

(2.) Any official or employee who is appointed from year to year, and any official whose office is abolished by law and who has contributed to the fund for not less than two years and

who fails at any time hereafter to be re-appointed, or whose office is abolished, shall be entitled to receive from the fund in one payment an amount equal to the total of his contributions, without interest.

(3.) In no case shall any official or employee who has contributed to the fund for less than two years be entitled to receive any allowance or payment whatever from the fund. 1907, c. 72, s. 11.

Wife or child  
—right of  
before super-  
annuation.

**772.** If any official or employee who has contributed to the fund dies before being superannuated, leaving a wife or child who is a minor or who is dependent upon him, such wife or child shall be entitled to receive from the fund in one payment an amount equal to his total contributions, without interest. 1907, c. 72, s. 12.

Their right  
after super-  
annuation.

**773.** If any official or employee who has been superannuated dies before he has received in allowances an amount equal to his contributions, leaving a wife or child who is a minor or who is dependent upon him, such wife or child shall be entitled to receive from the fund in one payment an amount equal to the difference between the amount which he has received and the total amount of his contributions, without interest. 1907, c. 72, s. 13.

Other  
dependents.

**774.** In either of the cases specified in the next two preceding sections if the official or employee leaves at his death no wife or child, but leaves a mother or father or sister or other relative dependent upon him, the trustees of the fund may, in their discretion, pay to such relative the amount in such sections directed to be paid to such wife or child. 1907, c. 72, s. 14.

Thirty years  
employment  
and ten years  
contribution.

**775.** Any person who has been in the employ of the fire department for not less than thirty years, and who has contributed to the fund for not less than ten years, and who has reached the age of sixty-five years may, on the recommendation of the Board of Control, be permitted by the Council to retire from his employment and to receive for the remainder of his life an annual allowance equal to thirty-fiftieths of his average salaries as hereinbefore specified, and the difference between the amount of the allowance which he is entitled to receive from the fund and the amount of such thirty-fiftieths shall be paid out of the general revenue of the City raised by taxation.

Allowances to  
be paid  
quarterly.

**776.** All allowances so paid under the foregoing provisions shall be paid quarterly in advance.

## PART X.

## BUILDINGS.

## INTERPRETATION.

**777.** In this Part of this Act, unless the context otherwise Definitions.  
requires:—

The expression “alteration” means any change in or addi- Alteration.  
tion to a building, provided that the same does not increase the  
area covered by the building changed or altered.

The expression “basement” or “cellar” means a lower story Basement or  
of which one-half or more of the height from the bottom of the cellar.  
story to the underside of the floor joists of the story next above  
is below the mean grade of all the streets adjoining the building,  
or of the natural ground so adjoining, provided that such  
grade of the ground is not below the grade of the street at the  
principal front.

The expression “building” includes every part of any Building.  
building.

The expression “composite building” means a building Composite  
partly of second-class construction and partly of third-class building.  
construction.

The expression “building district” means the district Building dis-  
limited by this Part of this Act, within which no building may trict.  
be erected not of the first or second-class.

The expression “dwelling” means a building used as a Dwelling.  
residence by not more than two families above the first story,  
and by not more than three families in any case.

The expression “external wall” means every outer wall or External wall.  
vertical enclosure of a building other than a party wall.

The expression “foundation” means the portion of a wall Foundation.  
below the level of the street curb, or when the wall is not on a  
street, means the portion of the wall below the level of the high-  
est ground next to the wall, but the foundation of a party wall  
or partition wall may be construed by the inspector to mean  
the portion below the cellar floor.

The expression “height” as applied to any building means Height of  
the vertical distance of the highest point of the roof above the building.  
mean grade of the curbs of all the streets adjoining the build-  
ing, or the mean grade of the natural ground so adjoining, if  
such grade of the ground is not below the grade of the curb.



- Height of wall.** The expression "height" as applied to any wall means the height from the mean grade of the ground adjoining the wall to the highest point of the wall.
- Inspector.** The expression "inspector" means the inspector of buildings appointed under this Act.
- Lodging house.** The expression "lodging-house" means a building in which persons are accommodated with sleeping apartments, and includes hotels, and apartment houses in which cooking is not done in the general apartments.
- Owner.** The expression "owner" includes a part owner, joint owner, tenant in common, or joint tenant of the whole or any part of any land or building, and also includes any trustee, executor, guardian, agent or other person having the care or control of any land or building in case of the absence or disability of the person having the title thereto.
- Party wall.** The expression "party wall" means every wall used or built to be used as a separation of two or more buildings, and forming an integral part of each such building.
- Partition wall.** The expression "partition wall" means an interior wall of masonry or other non-combustible material in any building.
- Public building.** The expression "public building" means any building adapted to contain an audience room or assembly hall, capable of seating not less than two hundred people in sight or hearing of the stage, and every theatre, but does not include any armoury or church the floor of the assembly room of which is not more than seven feet above the grade of the street at the principal entrance.
- Repairs.** The expression "repairs" means any re-construction or renewal of any existing part of any building, or of its fixtures or appurtenances, which does not lessen the strength, or increase the fire risk of the building, and is not made in the opinion of the inspector for the purpose of converting the building in whole or in part into a new one.
- Story.** The expression "story" means the portion of a building between the top of any floor beams and the top of the floor beams next above.
- Street.** The expression "street" means any public way, alley, lane or court, and any part of a public place used by the public for purposes of travel.
- Tenement house.** The expression "tenement-house" means a building which, or any part of which, is occupied or intended to be occupied as a dwelling by more than three families living independently of one another, and doing their cooking on the premises, or by more than two families above the first story, so living and cooking, and includes apartment houses, family hotels and flats in which families are so living and cooking.

The expression "thickness" as applied to any wall means Thickness. the minimum thickness thereof. C. C., s. 700. 1912, c. 82, s. 13.

## APPLICATION.

**778.** Nothing in this Part of this Act shall apply to any Not to apply to bridges or wharves. bridge, quay or wharf. C. C., s. 701.

## INSPECTOR OF BUILDINGS.

**779.** (1.) The Council, on the nomination of the Board Appointment of Inspector. of Control, shall appoint a person to be inspector of buildings for the City. The person appointed shall be an architect or civil engineer of not less than five years' standing.

(2.) In case of a temporary absence or disability of the Substitute in case of absence. inspector, he may appoint a substitute having the qualification required for inspector, and such substitute shall, during such absence or disability, have the powers and perform the duties of the inspector. C. C., s. 702.

**780.** (1.) The inspector shall perform the duties by this Duties. Act appointed to be performed by him, keep records of all matters coming before him, and make a yearly report of his doings to the Council.

(2.) The inspector shall examine every building in course Records. of construction or alteration, and any building reported to be in an unsafe condition, and shall make a record of any violation of any provision of this Part of this Act, stating the nature of the violation, the street and number or locality at which such violation is found, the owner of the building, the architect and master mechanic employed, and any other matter in his judgment proper to be stated. Such record shall at all times be open to the inspection of the chief officer of the fire department or any other official of the City or County, or any other person whose property may be affected by the matter to which the record relates.

(3.) The inspector may be requested by the Board of Examination after fire. Control or the chief officer of the fire department to make an examination of any building in which a fire has occurred, for the purpose of ascertaining if possible the cause of the fire.

(4.) The inspector may at any time of the day enter into May enter premises. any building or premises for the purpose of performing his duty, and any person refusing him admission into any building or part thereof, or obstructing him in the discharge of his duty therein, shall for each such offence be liable to a penalty not exceeding ten dollars, and in default of payment, to imprisonment for a period not exceeding fourteen days. C. C., s. 703.

## PERMITS.

Permit.

- 781.** (a) No building shall be erected, altered or repaired, and
- (b) no building damaged by fire, or other casualty, shall be repaired or restored to its former condition, and
- (c) no work which impairs the strength or increases the fire risk of any wall, structure or building, shall be done, except upon a permit from the inspector, and in conformity with the provisions of this part of this Act. C. C., s. 704.

Alterations to conform to Act

- 782.** Any alteration made in a structure shall conform to the provisions of this Part of this Act for a new structure; but if the alterations to be made are of such extent as when done to practically produce a new structure, or impair the stability or increase the fire risk of the structure as a whole, then the entire structure shall be made to conform to such provisions. C. C., s. 705.

Buildings damaged by fire.

- 783.** In case of a building which has been damaged by fire or other casualty, the inspector shall specify in the permit whether—

- (a) it may be restored to its former condition, or
- (b) shall be reconstructed in some or all of its parts.
- C. C., s. 706.

Application for permit.

- 784.** (1.) Every person proposing to erect, or to alter or repair any building, shall, within ten days before beginning any work thereon, give notice in writing to the inspector of his intention, and apply for a permit therefor.

- (2.) Such application shall contain—

- (a) the number or present location of the building proposed to be erected or altered, and
- (b) the owner thereof;
- (c) the dimensions of the proposed building or the nature of the alteration; and
- (d) the name of the architect, if there is one, and of the builder or master mechanic who is to do the work.
- (e) the value of the proposed building or alteration.
- (f) such other information as the inspector deems requisite. C. C., s. 707.

Plan to be furnished.

- 785.** (1.) The applicant shall, except as is herein otherwise provided, with such application furnish to the inspector a complete plan and specification of his proposed building or alteration, and if the inspector approves of the same, he shall

certify his approval in writing on the same and return it to the applicant. The inspector may require any such plan to be on tracing linen or other material suitable for making a blue print copy, and to be left with him for a sufficient time to enable him to make such copy. The inspector may also require a copy of the specification to be furnished to him.

(2.) In the case of the erection or alteration of a third-class building outside of the building district, such plan and specification shall be furnished only if the inspector requires the same.

(3.) No alteration shall be made on any plan or specification, after the same has been approved, without the approval of the inspector, who shall certify such approval in writing thereon. No alteration in plan.

(4.) The inspector may require any plan or specification which has been approved, to be produced to him at any time subsequent to such approval, and the failure to produce the same when required shall be an offence under this part of this Act. C. C., s. 708. Plan to be produced.

**786.** The inspector may require an applicant for a permit to give notice of the application to any person whose interest may be affected by the proposed building or alteration. C. C., s. 709. Notice to persons affected.

**787.** Every person who contravenes or fails to comply with any of the foregoing provisions relating to permits, shall, for each such offence, be liable to a penalty not exceeding one hundred dollars, and in default of payment, to imprisonment for a period not exceeding one month C. C., s. 710. Penalty.

#### CLASSES OF BUILDINGS.

**788.** (1.) Buildings shall be divided into three classes—first, second or third.

(2.) The first-class shall include every building of fire-proof construction as specified in this Part of this Act. First class building.

(3.) The second class shall include every building not of the first-class, the external and party walls of which are of stone, brick, iron, or other equally substantial and non-combustible material. Second class building.

(4.) The third class shall include every wooden frame building or other building not of the first or second class. C. C., s. 711. Third class building.

#### BUILDING DISTRICT.

**789.** (1.) Except as is otherwise provided no building not of the first or second class shall be erected within the follow- Building district.



ing limits, in the statement of which the expression "east side line of Water Street" shall mean the east side line of Water Street as shown on the official plan of the City, and not the line of the existing street.

Beginning at a point on a line drawn in prolongation of the south side line of Fawson Street, distant eighty feet eastwardly from the east side line of Water Street; thence running westwardly by the said line drawn in prolongation of the south side line of Fawson Street and the south side line of Fawson Street to a point in line with the centre line of Water Street; thence northerly by the centre line of Water Street to Morris Street; thence westwardly by the centre line of Morris Street to South Park Street; thence by South Park Street northerly to Sackville Street; thence by Sackville Street to Brunswick Street; thence by Brunswick Street to Cogswell Street; thence by Cogswell Street to a line distant one hundred and twenty-five feet westerly from the west side line of Gottingen Street; thence by said line northerly to Gerrish Street; thence eastwardly by a line drawn in continuation of the centre line of Gerrish Street to a point distant eighty feet eastwardly from the east side line of Water Street; and including also the distance of eighty feet on both sides of each of the said streets or parts of streets forming the boundary line and eighty feet eastwardly from the east side line of Water Street from Fawson Street to Gerrish Street.

Harbour front

(2.) East of eighty feet east of the east line of Water Street as shown by the official city plan between Fawson Street and Gerrish Street, no structure shall be permitted of wood, unless the same is entirely covered externally with metal or other unflammable material, with flat roofs of unflammable material, and all openings properly protected, and in no case shall any such structure exceed three stories in height.

Elevator in  
building  
district.

(3.) Within the said district, any elevator for the storage of coal or grain may be erected as a third-class building, but the external parts of any such elevator shall be covered with slate, tile, metal or other equally incombustible material, and the mode of construction and location thereof shall be subject to the approval of the inspector.

Extension of  
building dis-  
trict.

(4.) The Council may from time to time by ordinance—

(a) extend the limits of the building district as given in this section, or

(b) establish any other building district. C. C., s. 712. 1912, c. 82, ss. 14, 15. 1913, c. 69, s. 14.

## THIRD-CLASS BUILDINGS.

**790.** No alteration shall be made to any third-class building within the building district, with the following exceptions: Alteration to third class building in building district.

(1.) Any building existing on the 30th day of March, 1904, erected for the purpose of religious worship, and entirely separate from other buildings.

(2.) Any building existing at such date, having a pitched roof, may be altered to have a flat roof or a french roof, provided that—

(a) such building is, in the opinion of the inspector, sufficiently substantial and suitable for such alteration;

(b) no such flat roof or french roof shall be of a higher level than the ridge of the existing roof, or shall in any case exceed eleven feet in height above the plate of the building to the highest point; and

(c) in case of a building having a part covered with a pitched roof and a portion with a flat roof or french roof, only the part covered with a pitched roof may be altered. C. C., s. 713.

**791.** (1.) No person shall make any alteration or repairs to any third-class building within the building district without first obtaining a permit therefor, but in the case of repairs only, it shall not be necessary to furnish any plan or specification, but only a statement of the nature and extent of the repairs proposed. Permit for alteration or repairs.

(2.) No permit shall be granted for any such alteration or repairs if the cost thereof will exceed one-half of the value of the building when altered or repaired, nor if the total cost of the repairs executed in five years will equal the value of the building at the beginning of such five years. If any dispute arises as to the value of a building for the purpose of this section, the same shall be determined by the assessors. C. C., s. 714. Cost not to exceed half value.

**792.** No third-class building within or without the building district shall be moved to any position within such district. C. C., s. 715. Moving third class building.

**793.** No building used as a barn or stable shall be converted into or used as a dwelling-house:—Provided, that this section shall not be construed to prevent a person actually employed in such barn or stable from occupying apartments in the same building for himself or his family. C. C., s. 716. Use of barn as dwelling.

Discretion of  
Inspector.

**794.** Outside of the building district, when any brick, stone or concrete building is to be erected of a class that could, under this Act, be constructed of wood, the building inspector is hereby authorized to allow reasonable modifications of the provisions of this Part of this Act relating to first or second-class buildings in consideration of incombustible material being used for walls instead of wood. C. C., s. 717, Part.

Council  
may make  
ordinances.

**795.** The Council may by ordinance make such requirements, in addition to those contained in this Part of this Act, as it deems expedient in respect to the erection and alteration of third-class buildings outside the building district. C. C., s. 717, Part.

#### HEIGHT OF BUILDINGS.

Height of  
buildings.

**796.** No second or third-class building or structure hereafter erected or altered, except a church spire, shall be of a height exceeding seventy feet, including any tower thereon. No building or structure hereafter erected, except a church spire, shall exceed in height two and one-half times the width of the widest street upon which it fronts. C. C., s. 718.

#### LIGHT.

No right of  
ancient light.

**797.** (1.) No person shall be restricted or prevented from erecting a building to any height (not exceeding seventy feet) by any right acquired or pretended by any owner of an adjacent building in respect to any light, window or opening for air or light in such adjacent building.

(2.) No right of ancient light acquired in respect to any window in existence for twenty years prior to the 12th day of May, 1860, shall be destroyed or diminished by this section. C. C., s. 719.

#### STAGINGS.

Roof not to be  
occupied for  
observation  
purposes.

**798.** No staging or stand for observation purposes shall be constructed or occupied upon the roof of any building. C. C., s. 720.

#### NUMBERING OF BUILDINGS.

Numbering of  
buildings.

**799.** (1.) Every person shall affix to any building owned by him the street number designated for such building by the engineer, and no person shall affix to or suffer to remain on any building owned or occupied by him, a street number other than the one so designated.

Penalty.

(2.) If any person fails to comply with the provisions of this section, the engineer may affix the designated number and remove any other number at the cost of the owner of the building, and such cost may be recovered by the City by action. C. C., s. 721.

## GENERAL PROVISIONS RESPECTING BUILDINGS.

**800.** (1.) A first-class building shall consist of non-inflammable material throughout, with floors constructed of iron or steel beams, filled in between with terra cotta, or other masonry arches, or expanded metal in concrete, except that wood may be used for under and upper floors, window and door frames, sashes, doors, standing finish, handrails for stairs, necessary sleepers bedded in concrete, and for isolated furring blocks bedded in the plaster. There shall be no air space between the top of any floor arches and the floor boarding, and no air space behind any woodwork. Every such building hereafter erected which is used above the first floor as a warehouse or store for the storage or sale of merchandise, shall be so divided by brick partition walls of the thickness prescribed for bearing partition walls and carried thirty inches above the roof, that no space inside any such building shall exceed in area ten thousand square feet.

First-class  
buildings.

(2.) Within the building district, every building hereafter—

(a) erected or raised to a height exceeding seventy feet,  
or

(b) erected as a permanent school-house,  
shall be of the first-class. C. C., s. 722.

**801.** Every building, structure, and part thereof, and appurtenance thereto, shall be so constructed and maintained in such repair as not to be dangerous, and the owner of any premises, upon notice from the inspector that such premises are dangerous, shall forthwith remedy the cause of danger by removal or repair. If the public safety requires immediate action, the inspector may forthwith, by repair or temporary protection, prevent danger; or may remove the dangerous structure; and his reasonable and necessary expenses may be recovered by the City from the owner by action. C. C., s. 723.

Buildings to  
be maintain-  
ed in safe  
condition.

**802.** Any building, which, by defect, accident, decay or overloading, is unsafe, shall be vacated forthwith if and when the inspector so orders. The inspector shall affix and maintain on the exterior of every such building a conspicuous notice of its character. The removing or rendering illegible of any such notice shall be an offence hereunder. C. C., s. 724.

Unsafe build-  
ings to be  
vacated.

**803.** Where any building, walls, or other structure, or any part thereof, is from any cause in the opinion of the inspector in such a condition as to be in danger of falling, or of being set on fire and endangering surrounding property or the lives

Unsafe build-  
ings to be re-  
paired or  
removed.



of citizens, the inspector may notify the owner of such building at once to put the same into a safe condition or to remove the same, or so much thereof as is the cause of danger, and if the owner so notified fails to comply with such notice for forty-eight hours after the receipt thereof, he shall be liable to a penalty under this Act, and whether in addition thereto or not, the solicitor may proceed by action in the name of the City to obtain an order directing the owner to remove or destroy such building, walls, or structure, or dangerous part, and that on failure to comply therewith, the inspector may remove or destroy the same at the expense of the owner C. C., s. 725.

Adjoining  
buildings to be  
supported dur-  
ing construc-  
tion.

**804.** Every portion of every structure in process of construction, alteration, repair or removal, shall be properly constructed, and sufficiently supported during such process, and every neighboring structure or portion thereof affected by such process, or by any excavation, shall be sufficiently protected and supported during such process by the person causing such work to be performed. The inspector may take such measures as the public safety requires to carry this section into effect, and any expense so incurred may be recovered by the City from the person causing such work to be performed. C. C., s. 726.

Excavations  
to be pro-  
tected.

**805.** (1.) Every excavation shall be so protected, by sheet piling if necessary, by the persons causing the same to be made, that the adjoining soil shall not cave in by reason of its own weight. It shall be the duty of the person causing such excavation to be made, to furnish, or cause to be furnished, such support that any adjoining building shall not be in danger by any such excavation. The owner of any building which is endangered by an excavation carried by an adjoining owner more than ten feet below the grade of the street, may recover the expense so caused of supporting such building from the person causing such excavation to be made. Every permanent excavation within the building limits shall be protected by retaining walls.

Penalty.

(2.) In case of any failure to comply with the provisions of this section, the inspector may enter upon the premises where the violation occurs, and may furnish such support as the circumstances require. Any expense so incurred may be recovered by the City from the person required by law to furnish support. C. C., s. 727.

Ventilation.

**806.** Every hall, auditorium or room of any building erected for, or converted to use as a school-house, factory, theatre, or place of public assembly or entertainment, shall have in continuous operation while occupied a system of ventilation, so contrived as to provide twenty-five cubic feet per minute of

outer air for each occupant and for each light other than an electric light. C. C., s. 728.

**807.** The external wall of every building hereafter erected or converted to use as a tenement or lodging-house, in the building district, shall be of brick, stone, concrete or iron, and the walls of any such building which is not situated on an open space more than twenty feet in width shall not exceed in height thirty feet. C. C., s. 729.

External wall of tenement or lodging house.

**808.** No building hereafter erected for, or converted to use as a tenement or lodging-house, and no building hereafter enlarged or increased in height or area for such purposes, shall occupy above the level of the second floor more than sixty-five one hundredths parts of the area of the lot measured to the middle line of the street or streets, or passage ways on which it abuts. Every such building shall have at least two exposures on land of the owner, or on parts of public ways or open spaces of at least ten feet in width, which spaces shall have an aggregate length of one foot for every twenty-five feet of superficial area actually occupied by the building. Such spaces shall be open to the sky and shall remain undiminished so long as the building is occupied as a tenement or lodging-house. A clear open space from the ground to the sky shall be maintained across the whole rear of every such building not located on two streets forming a corner, and of a depth equal to one-half the width of the street in front of such building; provided that such space need not exceed the depth of twenty feet, and provided, further, that an equivalent area of open space in the rear or on either side of such building may be provided of different dimensions with the consent of the inspector. C. C., s. 730.

Area of lot occupied by tenement.

**809.** Every tenement or lodging-house existing at the 30th day of March, 1904, shall have in every sleeping-room, not communicating directly with the external air, two ventilating or transom windows of not less than three square feet area each, one opening into another room or passage, having an external window of not less than six square feet area, with movable sashes. No transom window shall be placed in a partition wall enclosing a main stairway. C. C., s. 731.

Ventilating transoms in tenements.

**810.** Every room in every tenement or lodging-house hereafter built, or in every building hereafter altered to be used as such, shall be not less than eight feet in height in the clear in every story, except that in the attic it may be less than eight feet high for one-half the area of room. Every such room shall have one or more windows on an open air space with an area at least one-tenth as great as that of the room. The top of at least one window on such air space in each room shall be

Height of story in tenements.

Ventilation.

at least seven feet six inches from the floor, and the upper sash of the same window shall be movable. C. C., s. 732.

Buildings not  
to be used for  
dwellings.

**811.** No building of which any part is used for storage or sale of hay, straw, hemp, flax, shavings, burning fluid, turpentine, camphene, or any inflammable oil, or other highly combustible substance, shall be occupied in any part as a dwelling, tenement or lodging-house, except that rooms for coachmen or grooms may be allowed in private stables upon a special permit from the inspector. C. C., s. 733.

Ash receptacle  
to be incom-  
bustible.

**812.** Every receptacle for ashes, waste or other substance liable by spontaneous combustion or otherwise to cause a fire, shall be made of incombustible material satisfactory to the inspector. Every building used as a tenement or lodging-house shall have outside and appurtenant to it a suitable space satisfactory to the inspector, for the temporary deposit of garbage and other refuse matter. C. C., s. 734.

Night watch-  
man in lodg-  
ing houses.

**813.** (1.) Every lodging-house containing over fifty rooms above the first floor, and every tenement house containing more than fifty sleeping rooms above the first floor, shall have at least one night watchman exclusively so employed on duty every night from nine o'clock at night until six o'clock in the morning; and every lodging-house of the second or third class containing more than one hundred rooms above the first floor, and every tenement house containing more than one hundred sleeping rooms above the first floor, shall have at least two night watchmen exclusively so employed, on duty every night from nine o'clock at night until six o'clock in the morning. In the latter class of lodging and tenement houses, a proper system of thermostats or automatic fire alarm, approved in writing by the inspector, may be substituted for one of the watchmen. In every lodging or tenement house of either of the above classes a red light shall be kept burning at night at the head and foot of every flight of stairs, and one or more gongs shall be so placed, and be of such size and number, as to give the alarm throughout the house in case of fire; and in every sleeping room there shall be conspicuously posted directions for escape in case of fire. The inspector may make such other or further requirements for prevention of and escape from fire as are reasonably necessary under the conditions of each case.

Light at exits  
to be kept  
burning.

Penalty.

(2.) Every keeper of a lodging-house who fails to comply with the provisions of this section, shall be liable to a penalty of not less than twenty-five dollars, nor more than one hundred dollars, and in default of payment, to imprisonment for not less than ten days or more than one month. C. C., s. 735.



## EGRESS.

**814.** Every building over twenty feet high shall have permanent means of access to the roof from the inside. The opening shall be not less than eighteen inches by thirty inches. C. C., s. 736. Egress to roof.

**815.** Every building hereafter built, and every building occupied by two or more families, or as a tenement, boarding or lodging-house, or as a factory or workshop, shall have, with reference to its height, condition, construction, surroundings, character of occupation and number of occupants, sufficient means of egress in case of fire satisfactory to the inspector. C. C., s. 737. Sufficient means of egress.

**816.** No building two stories or more in height hereafter erected, and no such building not used on the 30th day of March, 1904, as a public school, church, theatre, public building, hall, place of assembly, or public resort, tenement house, boarding-house or lodging-house, or as a factory or workshop where ten or more persons are employed, or used above the second story as a dwelling by two or more families, shall be used for any of such purposes, unless such building is provided with at least two independent and sufficient ways of egress. One of such ways of egress shall consist of a flight of stairs, extending from the lowest to the highest floor, made of fire-proof material and inclosed in brick walls with the inclosed space or stairway provided with a ventilating sky-light, which can be opened and closed from every floor, and having openings through an external wall to the outer air at least one to each story, except the upper and the lower, each opening to have an area of at least five square feet, and to be maintained unobstructed:—provided, however, that when there is within the space inclosed by the stairway and its landing from the second story upwards, an open area for light and ventilation whose least horizontal dimensions are equal to the width of the stairs, but in no case less than three feet, then the aforesaid openings through an exterior wall may be omitted. There shall be no opening upon the stairway except as aforesaid, and for such skylight, and for doors from apartments and corridors. The other way of egress shall be approved by the inspector, and may project over a public way. Every way of egress from every such building shall be kept in good repair and unobstructed. C. C., s. 738. Certain buildings to have at least two means of egress.

**817.** Any owner or lessee responsible for the condition of a building shall be entitled to a certificate, or if the original has been issued, to a copy of the duplicate thereof in the inspector's records, to the effect that his building is provided with safe Certificate of means of egress.



means of egress, if and whenever such is the case in the inspector's opinion. Any tenant of, or person employed in, any private building, and, in the case of any public building, or public school, any citizen of Halifax, shall be entitled to a copy of the inspector's record, and if no certificate has been issued, may apply to have a certificate or order issued. C. C., s. 739.

No explosives  
to be stored  
near exits.

**818.** No explosive or inflammable compound, or combustible material, shall be stored or placed under any stairway of any building, or used in any such place or manner, as to obstruct or render egress hazardous in case of fire. C. C., s. 740.

Strength of  
fire escapes.

**819.** The platforms, landings and stairway steps of every fire escape shall be strong enough to carry a load of seventy pounds to the square foot, in addition to the weight of material. C. C., s. 741.

#### ELEVATORS.

Approval of  
inspector.

**820.** (1.) No elevator shall be used in any building until after written approval by the inspector.

Warning of  
unsafe ele-  
vators.

(2.) If any freight or passenger elevator is not constructed and furnished in compliance with this Part of this Act, or has become unsafe, the inspector shall post a conspicuous warning and prohibition at each entrance to such elevator. And thereafter until a new written permit is given by the inspector, no person shall operate such elevator or remove or deface such notice. No freight or passenger elevator shall be operated for more than six months after the date of the inspector's permit, unless a certificate signed by some elevator builder, that the elevator is safe and in good order, has been furnished within six months, and is posted in the car, or at the entrance.

Certificate  
every six  
months.

Age of oper-  
ator.

(3.) No person, firm or corporation, shall employ or permit any person under fifteen years of age to have the care, custody, management or operation of any elevator, and every day on which an elevator is operated by any such person shall be a separate offence.

Penalty.

(4.) Every person who contravenes or fails to comply with the provisions of this section shall, for each such offence, be liable to a penalty of not less than twenty-five dollars or more than one hundred dollars, and in default of payment, to imprisonment for a period not less than ten days or more than one month.

Council  
may make  
ordinances.

(5.) The Council may, by ordinance, regulate the management and inspection of elevators, hoist-ways and elevator-shafts. C. C., s. 742.

## WATER-CLOSETS AND PRIVIES.

**821.** Every dwelling, tenement or lodging-house, every school-house and every building in which operatives are employed, shall have at least one water-closet or privy, and at least one water-closet or privy for every thirty persons therein living, attending or employed; and in buildings where operatives of both sexes are employed, separate water closets or privies shall be furnished for each sex. Every water-closet in every building hereafter erected for, or converted to use as, a tenement house, family hotel or apartment house, shall have a window on the open air. C. C., s. 743.

At least one in certain buildings.

Open to air.

## STABLES.

**822.** No building, any part of which is within the building district, or within twenty feet of the property of any adjoining owner, shall be erected for or converted to use as a stable, unless such use is authorized by the board of health after public hearing had, after written notice to the adjoining owners, and such other public notice, if any, as the inspector determines to be necessary. C. C., s. 744.

Use to be authorized by Board of Health.

Notice to be given.

## BUILDINGS USED FOR DANGEROUS PURPOSES.

**823.** (1.) No building shall be used for a grain elevator, or for the storage or manufacture of high combustibles or explosives, or for chemical or rendering works, and no engine, dynamo, boiler, or furnace for any purpose other than domestic heating shall be placed in any building, without a permit from the inspector. Every application for such permit shall be filed with the inspector in writing, and shall set forth the character of the building, the size, power and purpose of the apparatus, and such other information as the inspector requires. The inspector may, after an examination of the premises described in the application, and hearing the applicant and any objectors, issue a permit for placing a boiler or furnace on such premises on such conditions as he deems just and proper, or may refuse such permit.

Permit necessary.

(2.) Any person applying for any permit under this section, other than for a boiler or a furnace for domestic heating, shall publish notice of the application in at least two daily newspapers published in the City, and at least three days in each, and, if so directed by the inspector, shall also post conspicuously on the premises, a copy of the application, and deliver copies thereof to such persons as the inspector directs, and file an affidavit with the inspector that notice has been given as required.

Notice to be given.

(3.) If no objection is filed with the inspector before the expiration of ten days from the time of the first publication of

Permit if no objection.

Hearing to be given.

Cost of hearing.

Conditions for maintenance.

the notice, or within ten days of the delivery and first posting of notice as required, the inspector shall, if the arrangement, location and construction of the proposed apparatus is proper, and in accordance with the terms of this Part of this Act, issue a permit for the same. But if such objection is filed, the inspector shall give the persons filing such objections a hearing, and in such case he shall cause due notice to be given to the applicant and every person previously notified of the application of the time and place of hearing. After hearing the parties, he may issue a permit upon such conditions as he thinks proper, or may withhold the same. If the permit is refused, the applicant, and if it is granted the objectors, shall pay such costs as the inspector determines.

(4.) The inspector may, from time to time, after public notice and hearing, prescribe the conditions on which boilers or furnaces may be maintained in buildings. C. C., s. 745.

#### GENERAL PROVISIONS.

Every building to conform to first schedule.

**824.** (1.) In addition to the requirements in respect to building hereinbefore contained, every building shall conform to the requirements set out in the first schedule to this Part of this Act.

(2.) In such schedule, unless it is otherwise therein expressed, or another intention manifestly appears, every such requirement shall apply to every building whether of the first, second or third-class, and whether constructed before or after the passing of this Act. C. C., s. 746.

Every wooden building to conform to second schedule.

**825.** (1.) Every wooden building hereafter erected or altered outside of the building district, shall conform to the requirements set out in the second schedule to this Part of this Act.

Second to be followed if any conflict.

(2.) Such requirements shall be in addition to any applicable to such building contained in the first schedule, but if any question arises in respect to any such building whether the requirements of the first schedule or of the second are applicable, those of the second shall be followed. C. C., s. 747.

Stresses and materials.

**826.** The stresses for materials and forms of same not specifically provided for, shall be those determined by the best modern authorities. C. C., s. 748.

#### THEATRES AND PUBLIC BUILDINGS.

To conform to third schedule.

**827.** Every theatre or other public building, in addition to the other requirements of this Part of this Act, shall conform to the requirements set out in the third schedule to this Part. C. C., s. 749.

## SCAFFOLDING.

**828.** All scaffolds erected for use in the construction, To be safe. repair, alteration or removal of buildings, shall be safely supported and of sufficient width, and properly secured to insure the safety of persons working thereon or passing under or by the same, and to prevent the falling thereof or of any materials therefrom. C. C., s. 750.

**829.** The Council may, by ordinance, regulate the erection, Council may make ordinances. form of construction, use and maintenance of scaffolding for the purpose of constructing, repairing, altering or removing any building, or the taking down of scaffolding which is not in accordance with the terms of such ordinance, and impose penalties for breach of the same, and in default of payment, Penalty. imprisonment for a period not exceeding thirty days. C. C., s. 751.

## PENALTIES AND PROCEDURE.

**830.** Every person who contravenes or fails to comply with Penalty. any provision of this Part of this Act in respect to which no penalty is specifically provided, shall, for each such offence, be liable to a penalty not exceeding five hundred dollars, and in default of payment, to imprisonment for a period not exceeding three months.

(2.) Every day during which any such contravention or Every day a fresh offence. failure to comply continues, shall be deemed a fresh offence. C. C., s. 752.

**831.** (1.) If any such contravention or failure to comply comes to the knowledge of the inspector, he shall at once report Inspector to report to city solicitor. the same to the solicitor, who shall forthwith institute an action, or other legal proceedings, in respect to the same.

(2.) Any such action or proceeding may be taken in the Action in name of city. name of the City.

(3.) The supreme court, or a judge thereof, may hear any Hearing in vacation. such action or proceeding at any time, notwithstanding it is vacation. C. C., s. 753.

**832.** In any case in which an action or other proceeding has been instituted for any such contravention or failure in respect to any building or structure it shall not be necessary to institute a fresh action for any further violation in respect to the same building, but the action or proceeding already begun may be from time to time amended to include such subsequent violations, and the court or judge at the trial shall deal with the whole matter of such violations. C. C., s. 754. Action may be amended.



**833.** In any such action, the court or a judge may, in addition to any other remedy open at law—

May restrain  
continuance.

(a) make an order restraining the continuance or repetition of any such contravention or failure;

May order  
removal.

(b) make an order directing the removal or destruction of any building or structure or part thereof, so contravening or failing to comply, or in respect to which any such contravention or failure has taken place, and that upon failure to comply with such order, the inspector may remove or destroy such building or part at the expense of the owner;

May make  
other order.

(c) make such other order as is required to enforce the provisions of this Part, and as to costs and as to the recovery of the expense of any such removal or destruction by the inspector, as to the court or judge seems right. C. C., s. 755.

Notice when  
owner absent.

**834.** If no owner of any building or structure in respect to which any such contravention or failure to comply is taking place, or has taken place, can be found within the City, the inspector may post a notice of such contravention or failure and of his intention to take proceedings in respect thereto upon such building, and also publish the same in not less than two newspapers published in the City for two weeks by not less than two insertions in each week, and at the expiry of two weeks from the first day of such posting or such publication (whichever happens last), any proceedings in respect to such contravention or failure may be had and taken *ex parte*. C. C., s. 756.

Indemnity of  
officials.

**835.** No action shall be maintained against the City or the inspector, or any other official of the City, for anything purporting to be done by such inspector or official in pursuance of the provisions of this Act. C. C., s. 757.

#### YOUNG AVENUE AND THE MILLER PROPERTY.

Plans and  
specifications  
to be sub-  
mitted.

**836.** No person shall erect any building on Young Avenue, or within one hundred and eighty feet thereof, without first submitting to the inspector of buildings the plans and specifications thereof in duplicate, including a statement of the materials of which it is proposed to construct such building, together with an estimate of the cost of the building and a declaration of the purpose for which the building is intended to be used, and the inspector shall refuse to approve of such building if the same does not conform to the requirements of a building on Young Avenue as hereinafter specified. C. C., s. 758.

**837.** No such building shall be approved of which— Approval.

- (a) the estimated cost, if a wooden building, is less Cost. than five thousand dollars; or
- (b) the estimated cost, if a single brick or stone building, is less than six thousand dollars; or
- (c) the design and appearance is not in the opinion of Design. the inspector suitable to a building to be erected on the said avenue. C. C., s. 759.

**838.** If the inspector refuses to approve of any building Appeal to Council. which otherwise conforms to the requirements of this Act in respect to a building on Young Avenue solely on the ground that it is not suitable in design and appearance, an appeal shall lie from his refusal to the Council, who may approve of the building. C. C., s. 760.

**839.** (1.) The approval of the inspector shall be Endorsing approval. endorsed upon the plans and specifications, and a copy of the same shall be retained by him.

(2.) If a proposed building is approved by the Council on appeal from the refusal of the inspector to approve of the same, a memorandum of such approval shall be endorsed on the plans and specifications, and a copy of the plans and specifications retained by the inspector. C. C., s. 761.

**840.** In that part of the City now known as the "Miller Buildings on Miller property. property," lying in the southern part of the City, and bounded as follows, viz: on the west by Tower Road, on the south by Miller Street, on the east by View Street and Pleasant Street, and on the north by a line running parallel to Owen Street, and one hundred and eighty-nine feet northwardly therefrom, other than so much thereof as is situated on Young Avenue, no building shall be erected which—

- (a) if of wood shall be of less cost than two thousand Cost. dollars, if a single dwelling-house, or if containing more than one dwelling, at a less cost than fifteen hundred dollars for each dwelling so contained; or
- (b) if of brick or stone, of a less cost than three thousand dollars for a single dwelling, or if containing more than one dwelling, at the rate of two thousand dollars for each dwelling so contained. C. C., s. 762.

**841.** No building at any time erected on Young Avenue, No building to be used as shop, etc. or within one hundred and eighty feet thereof, shall be used as a shop, hotel, house of entertainment, boarding-house, livery stable, or for any purpose other than a private dwelling-house, or private stable in connection therewith. No such private

stable, or any part thereof, shall be erected within one hundred feet of Young Avenue. C. C., s. 763.

Distance from  
street line  
Young Ave.

**842.** (1.) On the part of Young Avenue lying to the south of a point on the east side of said avenue, one hundred and sixty-nine feet south of Inglis Street, and of a point on the west side of said avenue four hundred and three feet six inches south of Inglis Street aforesaid, no building shall be erected, the main portion of which is nearer to the side line of the avenue than forty feet, and no veranda, portico, porch, stoop, steps or other appurtenances to any such building, shall be at a less distance from such side line than twenty-five feet.

(2.) On the remaining portion of the said avenue, no building shall be erected any part of which is at a less distance than twelve feet from the side line of such avenue. C. C., s. 764.

Distance from  
street line,  
Miller pro-  
perty

**843.** No building shall at any time be erected on any lot having a frontage on any street, other than Young Avenue, extending through the said Miller property at a less distance than ten feet from the street. C. C., s. 765.

## FIRST SCHEDULE.

### GENERAL REQUIREMENTS.

#### MATERIALS.

1. All materials are to be of good quality for the purpose for which they are to be used, are to conform to legal, trade and manufacturers' standards, and to be subject to the approval of the inspector.

#### MORTARS.

2. All mortars shall be made with such proportion of sand as will ensure a proper degree of cohesion and tenacity, and secure thorough adhesion to the material with which they are to be used, and the inspector shall condemn all mortars not so made. The following rules must be complied with:—

- (1.) Mortar below level of water shall be no poorer than one part Portland cement and two parts sand.
- (2.) Mortar for first class buildings shall for one-half of their height be no poorer than one part Portland cement to two parts sand, above, equal parts of cement and lime, and the proper proportion of sand.
- (3.) Mortar for second class buildings and for such parts of third class buildings as are below the level of the sidewalk, shall be no poorer than equal parts of lime and cement, with a proper proportion of sand.
- (4.) Mortar for third class buildings above ground shall be no poorer than the best lime mortar.
- (5.) Exceptions by the inspector may be made for mortar used in setting stone where cement will stain.

## FOUNDATIONS.

3. The walls and piers of every building shall have a foundation, the bearings of which shall be not less than four feet below any adjoining surface exposed to frost, and such foundation, with the superstructure which it supports, shall not overload the material on which it rests.

4. The building inspector shall designate in every permit for the erection of a new building, the lowest grade at which the cellar bottom of such building may be laid.

5. Foundations shall be built of stone, cement concrete, brick laid in mortar, iron or steel. Foundation walls of rubble shall not be used in buildings over forty feet in height, except third class buildings outside the limits. Where rubble is used, two-thirds of the bulk of the wall shall be built of through stone thoroughly bonded. No round or boulder stone shall be used, and if the foundation is on piles, the lower course shall be of block stone not under sixteen inches high. Foundations of rubble shall be twenty-five per cent. thicker than is required for granite foundations. Foundations of block granite shall be at least eight inches thicker than the walls next above them, to a depth of twelve feet below the street grade; and for every additional ten feet, or part thereof, they shall be increased four inches in thickness. Foundations of brick shall be at least twelve inches thick and at least four inches thicker than the walls next above them to a depth of twelve feet below the street grade; and for every additional ten feet or part thereof deeper they shall be increased four inches in thickness. Foundations shall be thick enough to resist any lateral pressure; and the inspector may order an increase of thickness for that purpose. The footing shall be of stone or concrete or both, or of concrete and stepped-up brick work of sufficient thickness and area to safely bear the weight to be imposed thereon, and to properly distribute such weight upon the surface on which it rests. If of concrete the concrete shall not be less than twelve inches thick. If of stone, the stone shall not be less than eight inches in thickness, and at least six inches wider than the bottom width of the foundation walls, and at least six inches wider on all sides than the bottom width of any piers, columns or posts resting upon them. All footing stones shall be well bedded and laid cross-wise, edge to edge. If stepped-up footings of brick are used in place of stone, above the concrete, the steps or off-sets, if laid in single courses, shall not exceed one and a half inches; or if laid in double courses, then each shall not exceed three inches.

## CELLARS.

6. The cellar of every dwelling hereafter built on filled or made land, or where the grade or nature of the ground requires, shall be sufficiently protected from water and damp by a bed at least two inches thick over the whole of concrete, cement and gravel, tar and gravel, or asphalt, or by bricks laid in cement. The space between any floor and the cellar bottom shall be well ventilated. All metal foundations and all constructional iron work under ground shall be protected from dampness by concrete, in addition to two coats of red-lead, or other material approved by the inspector.

## QUALITY OF BRICK WORK.

7. All brick work shall be of merchantable well-shaped bricks, well laid and bedded, with well filled joints, in mortar, and well flushed up at every course with mortar. Bricks when laid shall be wet or dry as the inspector directs.

## WALLS, HOW LAID.

8. All walls of brick, stone or other similar material shall be well built, properly bonded and tied, and laid with mortar. The inside four inches of any wall may, upon a special permit issued by the inspector, be built of hard, burnt, hollow, clay bricks, of quality and dimension satisfactory to the inspector and thoroughly tied and bonded into the wall.



## BONDING COURSES.

9. Every eighth course at least of a brick wall shall be a heading or bonding course, except where walls are faced with face brick, in which case every eighth course shall be bonded with Flemish headers, or by cutting the corners of the face brick and putting in diagonal headers behind the same.

EXTERNAL AND PARTY WALLS OF FIRST AND SECOND CLASS BUILDINGS.  
USED FOR DWELLING HOUSES.

10. The external and party walls above the foundation of dwelling houses of the first or second class hereafter built, not over sixty feet high, shall be not less than twelve inches thick. Such walls of such dwellings sixty feet or over, but not over seventy feet high, shall be sixteen inches to the height of the top of the second floor, and twelve inches for the remaining height. Such walls of such dwellings seventy feet or over, shall be twenty inches to the top of the second floor, sixteen inches to the top of the upper floor and to within fifteen feet of the roof, and twelve inches the remaining height.

EXTERNAL AND PARTY WALLS OF FIRST AND SECOND CLASS BUILDINGS  
OTHER THAN DWELLING HOUSES.

11. The external walls above the foundation of every building of the first class hereafter built, other than dwellings, forty feet or less in height, shall be sixteen inches thick to the top of the second floor, and not less than twelve inches for the remaining height. Such walls of such buildings of forty feet or over, but not over sixty feet in height, twenty inches to the top of second floor, sixteen inches the remaining height. Such walls of such buildings of sixty feet or over, twenty-four inches to the top of the first floor, twenty inches to the top of the upper floor and to within fifteen feet of the roof, and sixteen inches above. The external walls of every building of the second class hereafter built other than dwellings shall not be less than twelve inches thick. The party wall of every such first or second class building shall be not less than sixteen inches thick.

## VAULTED WALLS.

12. Vaulted walls shall contain, exclusive of withes, the same amount of material as is required for solid walls, and the walls on either side of the air space in a wall carrying a floor shall be not less than eight inches thick and shall be securely tied together with ties not more than two feet apart.

## WALLS WITH ASHLAR.

13. In reckoning the thickness of walls, ashlar shall not be included unless it is at least eight inches thick. In walls required to be sixteen inches thick or over, the full thickness of the ashlar shall be allowed; in walls less than sixteen inches thick only half the thickness of the ashlar shall be included. Ashlar shall be at least four inches thick, and properly held by metal clamps to the backing, or properly bonded to the same.

## IRON OR STEEL EXTERNAL WALLS.

14. External walls may be built in part of iron or steel, and when so built may be of less thickness than is above required for external walls, provided such walls meet the requirements of this Act as to strength, and provided that all constructional parts are wholly protected from heat by brick or terra cotta, or by plastering three-quarters of an inch thick, with iron furring and wiring.

## PARTY WALLS OF FIRST AND SECOND CLASS BUILDINGS.

15. In first and second class buildings, all party walls above the foundation shall be of brick, and no such party wall shall hereafter be furred with wood: but all such walls, if plastered, shall be plastered on masonry or on metal lathing; provided, that wood furrings for

nailing may be bedded flush in mortar, leaving no air space exceeding one inch behind. No wall in any second class building shall be increased in height unless the entire building is so altered as to conform to the requirements of this Act. Horizontal firestops of brick shall be placed at every four feet in height all round any such wall.

#### PARTY AND PARTITION WALLS.

**16.** In all buildings hereafter built, all party walls required by this Act shall be built through and at least thirty inches above or distant from the roof boarding at the nearest point, shall be entirely covered with stone or metal, securely fastened and corbelled to the outer edge of all projections: provided, that a gutter stone of suitable dimensions and properly balanced may be inserted in place of the corbelling; and provided, further, that in case of buildings not over forty-five feet in height the distance that any wall is carried above the roof boarding need not exceed twelve inches.

**17.** Second class buildings hereafter built shall be divided by brick or concrete partition walls of the thickness prescribed for party walls, and carried thirty inches above the roof, so that no space inside any such building shall exceed in area eight thousand square feet, and no existing wall in any second class building shall be removed so as to leave an area not so inclosed of more than eight thousand square feet; provided, that in buildings having a height of not over forty-five feet, the height above the roof of the said partition walls need not exceed twelve inches.

#### EXTERNAL WALL OPENINGS, RECESSES AND BUTTRESSES.

**18.** When openings, or recesses, or both, occur in an external wall, or when buttresses are used, the piers shall be of sufficient strength to comply with the clauses of this Act prescribing the strength of materials and not less in thickness than is above specified, and no other portion of the wall shall be less than twelve inches thick in buildings under seventy feet in height, or less than sixteen inches thick in buildings seventy feet or over in height.

#### RECESS, OR FLUE IN PARTY WALLS.

**19.** No recess or flue shall be made in any party wall so deep that it will leave the thickness at the back less than eight inches at any point, and no recess or flue not vertical shall be made without the special permit of the inspector. No vertical recess other than flues in stacks, shall be nearer than seven feet to any other recess; unless by special permit of the inspector.

#### TRUSSES, COLUMNS AND GIRDERS.

**20.** First and second class buildings hereafter built, shall have floor bearing supports not over forty feet apart. These supports may be brick walls, trusses or columns and girders. Such brick walls may be four inches less in thickness than is required by this Act for external and party walls of the same height, provided they comply with the provisions of this Act as to the strength of materials, but in no case less than twelve inches thick. When trusses are used, the walls on which they rest shall be at least four inches thicker than is otherwise required by sections ten and eleven for every addition of twenty-five feet or part thereof to the length of the truss over thirty feet.

**21.** Every column shall rest upon a cap or plate sufficient to properly distribute the load. Columns set one above another shall have proper connections. All bearing parts of columns or plates, shall be turned or planed to true surfaces. The inspector may require columns to be drilled for inspection at the expense of the City.

**22.** Piers and walls shall have caps or plates, where needed, sufficient to properly distribute the load.

## OPENINGS IN PARTY WALLS.

**23.** Openings of doorways in party walls or in partition walls, required in this Act, shall not exceed two in number for each floor, and the combined area of such openings on each floor shall not exceed one hundred square feet. Each opening must be provided with two sets of metal covered doors separated by the thickness of wall hung to rabbeted iron frames, or to iron hinges in brick or iron rabbets:—provided, that this section shall not apply to theatres.

## FIRE-PROOFING.

**24.** All weight-bearing metal in first and second class buildings hereafter built, shall be protected by brick, terra cotta or plastering on metal laths, or furring, or other incombustible material approved by the inspector: provided, however, that the inspector may authorize the omission of such protection from the whole or any part of said weight-bearing metal in one-story structures, or in buildings specially designed and constructed for a use which will destroy, nullify, or render useless such form of protection.

**25.** Isolated upright supports of other material than brick, stone, concrete or metal, below the first floor in first and second class buildings hereafter erected, shall be protected by a jacket of brick or terra cotta at least four inches thick, or by a coating of plaster one inch thick on wire or metal lathing, or other substantial fire-proof material.

## FLOOR BEARING PARTITIONS.

**26.** Partitions supporting floors or roofs shall rest upon girders, trusses or walls.

## CORNICES.

**27.** Where a wall is finished with a stone cornice, the greatest weight of material of such cornice shall be on the inside of the face of the wall. All cornices hereafter built or replaced in first or second class buildings, shall be of brick or other incombustible material, and the walls shall be carried up to the boarding of the roof; and where the cornice projects above the roof, the masonry shall be carried up, the top of the cornice and covered with metal, like parapet walls.

## FLOORS.

**28.** All new or renewed floors shall be so constructed as to carry safely the weight to which the proposed use of the building will subject them and every permit granted shall state for what purpose the building is designed to be used; but the least capacity per superficial square foot exclusive of materials, shall be:—

For floors of dwellings, fifty pounds.

For office floors, one hundred pounds.

For floors of public buildings, except school houses, one hundred and fifty pounds.

For floors of school houses, other than the floors of assembly rooms, eighty pounds; and for the floors of assembly rooms, one hundred and fifty pounds.

For store floors, floors of warehouses and mercantile buildings of like character, drill rooms and riding schools, at least two hundred and fifty pounds.

The weight for floors not included in this classification shall be determined by the inspector.

**29.** In every building hereafter built or altered, there shall be posted and maintained in every room used for mechanical, mercantile or public purposes, an architect's certificate of the weight bearing capacity of the floor. No part of any floor of such room shall be loaded beyond its capacity as certified.



## ROOF AND FLOOR TIMBERS.

**30.** All roof or floor timbers entering the same party wall from opposite sides shall have at least four inches of solid brick work between the ends of the said timbers.

**31.** The ends of all wooden floor or roof beams in second class buildings shall enter the wall to a depth of at least four inches, unless the wall is properly corbelled so as to give a bearing of at least four inches; and the ends of all such beams shall be so shaped or arranged that in case of fire they may fall without injury to the wall.

**32.** Each floor in first or second class buildings shall have its beams so tied to the walls and to each other with wrought iron straps or anchors at least three-eighths of an inch thick by one and one-half inches wide, as to form continuous ties across the building not more than ten feet apart. Walls running parallel or nearly parallel with floor beams shall be properly tied once in ten feet to the floor beams by iron straps or anchors of the size above specified.

## PIPING.

**33.** Cutting for piping or other purposes shall not be done so as to reduce the strength of the supporting parts below that required by the provisions of this Act.

## TIMBERS AND FURRING AROUND CHIMNEYS.

**34.** No part of any floor timber shall be within two inches of any chimney. No studding or furring shall be within one inch of any chimney.

## FIRE STOPS.

**35.** Every second class building hereafter built, except as hereinafter provided, shall have a sufficient fire stop at each floor, covering the whole floor of each story through all stud partitions and extending to the masonry walls. Every air duct except those expressly sanctioned by this Act shall be effectually stopped at each story. Every such fire stop shall consist of a solid, air-tight cohesive layer, at least one inch thick, of tile, brick, terra cotta or like fire made material, plaster, cement, cinder or ashes, or of a combination of the same, or of equally non-inflammable, non-heat conducting material laid between the upper and under floors, or occupying all the space between the timbers under the under floor: Provided, that all second class buildings hereafter erected of forty-five feet or more in height, which are used above the first floor as storage stores, warehouses or stores for the storage and sale of merchandise, shall have a tight splined or tongued and grooved under floor of at least two inch plank, with an upper floor one inch thick matched and breaking joints, and in such buildings fire stops need not be used; and in all second class buildings of the character described, all stairways shall be inclosed in walls or shafts of non-inflammable material, and all openings in said walls or shafts shall be provided with metal covered doors hung to rabbetted iron frames with iron thresholds. The foot of each partition and of each tier of studding or furring shall be filled solid between the uprights to the full width thereof, and to the height of six inches above the floor with the same incombustibles as above prescribed for fire stops or some combination thereof. The spaces between such parts of floor joists as rest upon partition heads shall be filled with the materials above prescribed. The spaces between stringers of staircases and joists of landings, unless unceiled, shall be so stopped with some of the incombustibles above mentioned at three places at least in every flight of stairs as to prevent the passage of air.

**36.** No part of the roof of any first or second class building hereafter built over sixty feet high to be used for mercantile, manufacturing or storage purposes, or as a theatre, hotel, apartment house or office building, shall have a pitch of over twenty degrees. All new or renewed roofs shall be so constructed as to bear safely, in addition to the weight of the



material, twenty-five pounds per superficial foot of area covered, with proper additional allowance for a horizontal wind pressure or thirty pounds per square foot. All thin glass skylights upon roofs shall be covered by a wire netting when in the opinion of the inspector such protection is needed.

**37.** The roof of every second class building hereafter built shall be covered with tin, iron, slate, gravel, composition or like substantial roofing material not readily inflammable; if such roof comprises more than one story, or is over twenty feet in height in any part from the nearest floor, except in a church or drill shed one story in height in which the top of the first floor is not more than six feet above the grade at the building, such roof shall be of the construction required for first class buildings.

#### METALLIC LEADERS.

**38.** All buildings shall have suitable water tight metallic leaders and gutters sufficient to carry all the water to the sewer in such a manner as not to flow upon the sidewalk or cause dampness or ice upon themselves or on any wall, yard or area.

#### CHIMNEYS.

**39.** All chimneys shall be built upon a solid foundation from the lower foundation of any building, and shall be built of brick, stone or other incombustible material. All brick or stone chimneys shall have walls at least eight inches thick. The inside of all brick flues shall be pargetted. No wood furring shall be used against any chimney or around any chimney in a first or second class building, but the plastering shall be directly on the masonry or on metal lathing. All chimneys shall be topped out at least four feet above the highest point of contact with the roof. No nails shall be driven into the masonry of any chimney.

**40.** Every chimney flue in which soft coal or wood is burned shall be carried to a height sufficient to protect neighboring buildings from fire and smoke.

#### FLUES.

**41.** Flues of ranges and boilers, and other similar flues, shall have the outside exposed to the height of the ceiling, or be plastered directly upon the bricks.

#### HEARTHES AND TRIMMER ARCHES.

**42.** All hearths shall be supported by trimmer arches of brick, concrete or stone, or be of single stones at least six inches thick built into the chimney. The brick jambs of every fire place, range or grate opening, shall be at least eight inches wide each, and the backs of such openings shall be at least eight inches thick. All hearths and trimmer arches shall be at least twelve inches longer on either side than the width of such openings and at least eighteen inches wide in front of the chimney breast. Brick work over fire place and grate openings shall be supported by proper iron bars or brick or stone arches.

#### HOT AIR AND SMOKE PIPES AND REGISTER BOXES.

**43.** No smoke pipe shall project through any external wall or window. No smoke pipe shall pass through any wooden partition without a stone, earthenware or composition ring of the thickness of the partition, and extending four inches from the pipe, or a double metal collar of the thickness of the partition, with a ventilated air space of not less than four inches around the pipe; nor shall be placed within eight inches of any wood unless such wood is plastered and protected by a metal shield two inches distant from the wood, in which case the smoke pipe shall not be less than six inches from the wood. The tops of all heating furnaces set in brick shall be covered with brick supported by iron bars, and so constructed as to be perfectly tight; said covering to be in addition to and not less than six inches from the ordinary covering of the hot air chamber. The tops of all heating furnaces not set in brick shall be at least eight inches below the nearest wooden beam or ceiling with a shield

of tin plate made tight, suspended not less than two inches below such beams or ceiling, and extending one foot beyond the top of the furnaces on all sides. All hot air register boxes hereafter placed in the floors or partitions of buildings shall be in soap-stone or equally incombustible borders, not less than two inches in width, and shall be made of tin plate and have double pipes and boxes properly fitted to the soap-stone or other equally incombustible border. Hot air pipes and register boxes shall be at least one inch from any wood work and register boxes fifteen inches by twenty-five inches, or larger, or their connecting pipes, shall be two inches from any wood work. All cold air pipes shall be of metal. The requirements of this section may be modified or dispensed with by the inspector in first class buildings.

#### WOOD WORK AROUND METAL PIPE.

44. No wood work shall be placed within one inch of any metal pipe to be used to convey heated air or steam, unless such pipe is protected by a soap stone or earthen ring or tube, or a metal casing.

#### SETTING OF BOILERS, FURNACES, ETC.

45. No boiler to be used for steam heat or motive power, and no furnace or hot water heater, shall be placed on any floor above the cellar floor, unless the same is set on non-combustible beams and arches, and in no case without a permit from the inspector. Every steam boiler in a building to be used for office, mercantile or manufacturing purposes, or to be used as a lodging or tenement house, shall be enclosed in a fire-proof room of brick, terra cotta, stone, iron, or other similar incombustible material, with openings closed by metal covered doors, hung to rabbetted iron frames, or to iron hinges in brick or iron rabbets. No range, stove, oven, or boiler shall be used for cooking in a hotel or restaurant, or for manufacturing purposes, until the same has been examined and approved by the inspector.

#### EXTERIOR PARTS OF SECOND CLASS BUILDINGS.

46. In every second class building hereafter erected, all exterior parts more than forty-five feet above the sidewalk, except window frames, sashes and blinds, shall be made of metal, stone, brick or other equally incombustible material.

#### ELEVATORS AND HOIST WAYS.

47. Elevators or hoists for freight which do not pass the ceiling of the first story may be constructed without fireproof inclosures above the basement. In existing buildings or in buildings hereafter erected in compliance with this Act, freight and passenger elevators without fire proof enclosures may be placed only in wells or other vertical areas which are continuous or unbroken, no part being separated from another part by an intervening floor: provided, that no additional draught of air is thereby created. In such buildings, such elevators may pass through the first floor of any area or hallway; provided a fire proof inclosure is carried up to the first floor. Except as above provided, all shafts hereafter built for elevators, hoists, dumb-waiters, lifts, light and ventilating shafts, or other air ducts, shall be constructed of, and if they do not pass the upper floor their top shall be covered with, some substantial material not inflammable. All such shafts which pass the top floor shall be carried at least eighteen inches above the roof, and be covered with a skylight.

48. Such shafts already constructed, except lifts twenty-eight inches square, or less area, and except in dwelling-houses to be occupied by not more than one family, shall be lined with tin, or plastered on wire lathing, or otherwise rendered non-inflammable on the inside. Such shafts hereafter built for freight and passenger elevators shall be of brick, at least eight inches thick, or of metal covered on both sides with at least one inch of plaster, applied immediately to the metal, or with some other equally substantial non-inflammable non-combustible material. Every

entrance opening in a shaft or hoist way within two and one-half feet above the floor, shall be protected by sufficient rails, gates, trap-doors, or such other device as is equivalent thereto. Every elevator shall be provided with some sufficient arrangement to prevent the falling of the car in case of accident. Overhead elevator machinery shall have underneath a grille, sufficient to protect the car from falling material. Every opening in to an elevator shaft or hoist-way, and every opening through a floor other than a stairway, shall be closed when not in use. All inside elevator shaft openings other than openings in passenger elevator shafts, shall be furnished with metal covered doors hung to rabbeted iron frames, and shall have iron thresholds and such doors shall be kept closed when not in use. Outside windows or openings of every elevator shaft shall have three vertical iron bars painted red, equally dividing the opening. Every part of any elevator not enclosed in a shaft shall be protected by a wire grille.

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## SECOND SCHEDULE.

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### REQUIREMENTS OF WOODEN BUILDINGS HEREAFTER ERECTED OR ALTERED OUTSIDE OF BUILDING DISTRICT.

#### FOUNDATIONS.

1. Every wooden building hereafter erected or altered outside of the building district to be occupied as a store or dwelling, shall have a foundation of rubble, block granite, stone, concrete or brick laid in mortar, carried to the surface of the ground, and no round or boulder stone shall be used. Every such foundation, if of brick or concrete, shall be at least twelve inches thick, and if of granite, shall be at least sixteen inches thick, and if of rubble, shall be at least twenty inches thick, and shall be laid to a depth to be fixed by the inspector and below any surface exposed to frost, upon the solid ground or rock.

#### UNDERPINNING.

2. Every such wooden building, the sills of which do not rest directly upon a foundation as above described, but on an under pinning, shall have such under pinning made of brick or stone, and if the building is thirty-three feet or less in height above the highest street level of its principal front, the under pinning, if of brick, shall be at least twelve inches thick, and if the building is of greater height, the under pinning, if of brick shall be at least sixteen inches thick; every under pinning of stone shall be at least twenty inches thick. A wooden building hereafter erected on soft and marshy land and used for a workshop or other like purpose, or as a temporary structure, may, if the inspector approves, rest upon mud sills or blocks, or on piles cut to the height of the grade of the surface.

#### STRENGTH.

3. Every such wooden building shall have all parts of sufficient strength to carry the weight of the superstructure, and shall be built with sills, posts, girts, studs, and plates, properly framed, and braced in each story.

#### FIRE STOPS.

4. Every wooden building hereafter erected or altered to be used for a purpose other than as a stable, carpenter or other similar shop, shall at each floor have a sufficient fire stop, effectually stopping every air duct except those sanctioned by this Act, and consisting of a solid, air tight, cohesive layer, at least one inch thick, made of tile, brick, terra cotta, or like fire made material, plaster, cement, cinder or ashes, or of a combination of the same, or consisting of a layer, of a thickness approved by the inspector, of some equally non-inflammable, non-heat conducting materials, and every such fire stop shall cover the whole under floor through all stud partitions to the outside boardings; but every such wooden build-



ing to be used solely for mercantile, manufacturing, or storage purposes, may have floors made of boards, at least one inch thick, matched and breaking joints, laid upon a tight splined or tongued and grooved under floor of plank at least two inches thick with the spaces between the supporting timbers of the floor open and uncovered, and without any fire stop.

#### HEIGHT.

5. Every wooden building hereafter erected or altered to be used as a dwelling-house, shall not be more than forty-five feet in height above the highest street level of the principal front.

#### PARTY WALL.

6. Every wooden building hereafter erected to be a block of two or more dwelling-houses, shall have a brick or concrete party wall between every two houses not less than eight inches thick, carried twelve inches above the roof, and covered with a metallic covering.

#### INTERCEPTING BRICK WALL.

7. Every wooden building more than twenty-five feet in height and twenty-five hundred feet in horizontal area, hereafter erected, to be used for any purpose other than that of a dwelling house, shall, unless otherwise ordered by the Council, have for every such area, an intercepting brick wall not less than twelve inches thick, carried twelve inches above the roof, and covered with a covering of metal or stone.

#### CASES WHEN LAST THREE SECTIONS NOT APPLICABLE.

8. The requirements contained in the preceding three sections shall not apply to buildings erected or placed at a distance of fifty feet or more from every other building, and from every street or way used for public passage.

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### THIRD SCHEDULE.

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#### REQUIREMENTS IN CASE OF THEATRES AND PUBLIC BUILDINGS.

##### EXITS.

1. Every public building, except an armoury or a church in which the floor of the assembly hall is not more than seven feet above the grade at the principal entrance, hereafter so built or altered as to contain an audience or assembly hall capable of seating two hundred persons or more in sight or hearing of the stage, allowing the minimum width for aisles or corridors permitted by this Act, and every theatre hereafter built, shall be a first class building. In every theatre so erected, the level of the stage above the street level shall not exceed five feet. The audience hall and each compartment, division and gallery of every such building, shall respectively have at least two independent exits, as far as may be. Every such exit shall have a width of at least twenty inches for every hundred persons which the hall, compartment, division or gallery from which it leads is capable of containing: Provided, that two or more exits of the same aggregate width may be substituted for either of the two exits above required. None of the exits above required shall be less than five feet wide.

2. Every such public building of the classes referred to by the next preceding section hereafter built, shall have a frontage as wide as the widest part of the auditorium or assembly hall, including side passages or lobbies the whole width and height of which frontage shall be upon a street, court, passage way or area open to the sky, and at least thirty feet wide opposite the entire frontage. Such court, passage way or area, shall have an unob-



structed way, at least thirty feet wide through a first class building without openings into any second or third class building, or wholly open to the sky, connecting it with a public street at least thirty feet wide. There shall be at least one exit on this front which shall be in no case less than five feet in width and of such greater width as an allowance of twenty inches for each one hundred persons which the building may at any time contain, will in the aggregate require. There shall be another independent exit of the same capacity, or independent exit of the same aggregate capacity either through a first class building without openings into any second or third class building, or through a passage way open to the sky. All doors shall open outwards, and shall not be so placed as to reduce the width of the passage above required. All aisles, stairways and passages in such buildings shall be of even or increasing width towards the exit, at least seven feet high throughout, without obstruction below that height, properly arranged for the easy egress of the audience, and of a width in respect of each division, gallery or compartment, computed according to the above rule. No aisle or passage in such buildings rising towards its exit, except stairways from story to story and necessary steps in the galleries and balconies, shall have a gradient within the auditorium of more than two in ten, nor elsewhere of more than one in ten.

#### STAIRWAYS.

3. In any such public building hereafter built, the cut off of the stair stringers shall not exceed seven and one half inches rise, nor less than ten and one half inches tread. No winders shall be less than seven inches wide at the narrowest part. There shall be no flights of more than fifteen or less than three steps between landings. Every landing shall be at least four feet wide from step to step.

#### HAND RAILS.

4. All stairs and landings of any such public building hereafter built shall have throughout proper hand rails on both sides firmly secured to walls, or to strong posts and balusters. Stairways twelve feet or more wide shall have one or more intermediate rails not more than eight feet apart and properly supported.

#### BOILERS, FURNACES AND LIGHTS.

5. No boiler, furnace, engine or heating apparatus except steam, or hot air pipes and radiators, shall be located under the auditorium, nor under any passage or stairway of any exit of any such public building. The lights for the rear of the auditorium and for all passages and stairways of exit of every such public building hereafter built, shall be independent of the lights of the rest of the auditorium and of the platform or stage, and shall be so arranged that they cannot be turned down or off from the platform or stage.

#### PLAN OF EXITS.

6. All exits from every such public building shall be open for the use of every departing audience, and shall have fastenings on the inside only. Plans showing the exits and stairways shall be printed on every programme or playbill.

#### AISLES TO BE CLEAR.

7. No temporary seats or other obstructions shall be allowed in any aisle, passageway or stairway of any public building, and no person shall be allowed to remain in any aisle, passageway or stairway of any such building during any performance.

#### WALL BETWEEN STAGE AND AUDITORIUM.

8 The stage of every theatre hereafter built shall be separated from the auditorium by a brick wall sixteen inches thick which wall shall extend the entire width and height of the building, and two feet six inches above the roof, like a party wall. There shall be no opening through this wall except a curtain opening, and not more than two others, which shall be located at or below the level of the stage; these latter openings shall

not exceed twenty-one superficial feet each, and shall have tinned wood, self-closing doors, securely hung to rabbeted iron frames or rabbets in the brick work. The finish or decorative features around the curtain opening of every theatre shall be of incombustible materials well secured to masonry. All scenery, curtains and wood work of the stage of every theatre shall be thoroughly covered, and if practicable, saturated with fire-resisting material. No fixed portion of the stage shall be of wood.

#### LOBBIES.

9. There shall be lobbies adjoining each division of any auditorium hereafter built, separated therefrom by a partition of brick or other equally incombustible material, and sufficiently large to furnish standing room to all persons that such division may at any time contain. There shall be no openings in such partition, except such as are required by section one, and such openings shall not be more than eight feet high.

#### FIREPROOF CURTAIN.

10. The proscenium or curtain opening of every theatre shall have a fire-resisting curtain of incombustible material re-inforced by wire netting or otherwise strengthened. If of iron or similar heavy material, and made to lower from the top, it shall be so contrived as to be stopped securely at a height of seven feet above the stage floor; the remaining opening being closed by a curtain or valance of fire-resisting fabric. Such curtain shall be raised at the beginning and lowered at the end of each and every performance, and shall be of proper material, construction and mechanism.

#### PARTITION WALLS.

11. All scene docks, carpenter or property shops and wardrobes of every theatre hereafter built, shall be separated from the stage, auditorium and dressing-room divisions by solid brick walls, not less than twelve inches thick, with no openings to the auditorium or dressing-room divisions; and all openings to the stage shall have tinned wood self-closing doors securely hung to rabbets in the brick work.

#### EXITS TO STAGE ROOMS. PROTECTION TO LIGHTS.

12. All rooms in theatres, for the use of persons employed therein, shall have at least two independent exits. All stage gas lights shall be protected by proper nettings.

#### VENTILATORS.

13. There shall be one or more ventilators near the centre and above the highest portion of the stage of every theatre, equal in combined area of opening to one-tenth of the area of stage floor. Every such ventilator shall have a valve or louver so counterbalanced as to open automatically, and shall be kept closed when not in use, by a cord reaching to the prompter's desk, and readily operated therefrom. Such cord shall be of combustible material and so arranged that if it is severed, the ventilator will open automatically.

#### STAND-PIPES.

14. There shall be at least two two-inch stand-pipes on the stage of every theatre, with ample provision of hose and nozzles at each level of the stage on each side, and the water shall be kept turned on during the occupation of the building by any audience. The said pipes shall have two gates, one above the other with a proper test or waste valve; the lower gate to be kept open at all times. The proscenium opening of every theatre shall be provided with a two and one-half inch perforated iron pipe or equivalent equipment of automatic or open sprinklers, as the inspector directs, so constructed as to form, when in operation, a complete water curtain for the entire proscenium opening, and there shall be for the rest of the stage a complete system of fire apparatus, and perforated iron pipes, automatic or open sprinklers. Such pipes or sprinklers shall be supplied with water by the city service and be at all times ready for use.

## PART XI.

## PUBLIC HEALTH.

*(1.)—City Health Board.*

Name and  
composition.

**844.** There shall be a board of health for the City composed of four controllers and two members appointed by the Governor-in-Council, one of whom shall be a duly qualified medical practitioner of at least five years standing. Such board shall be a body corporate under the name of the City Health Board.

Term of  
Government  
appointees.

**845.** The two members appointed by the Governor-in-Council shall be appointed in the month of May next after the coming into force of this Act, and shall hold office for two years, and shall be eligible for re-appointment for a further term of two years, but thereafter shall not be eligible for re-appointment until a period of two years has elapsed.

Vacancy in  
case of  
Government  
appointee.

**846.** If a vacancy occurs by the death, resignation, removal from the province or dismissal of either of the members appointed by the Governor-in-Council, the Governor-in-Council shall appoint a successor to hold office for the unexpired period of the term.

Remunera-  
tion of  
Government  
appointees.

**847.** The two members appointed by the Governor-in-Council shall each be paid the sum of one hundred dollars yearly, to be included in the yearly estimates of the City and rated and collected along therewith.

Secretary.

**848.** The board shall appoint a secretary, who shall conduct the correspondence of the board and keep its records, minutes, orders and accounts. He shall hold office during pleasure, and shall be paid such salary as the board determines. C. C., s. 770.

Sanitary  
superinten-  
dent.

**849.** (1.) The board shall appoint a sanitary superintendent, who shall at the time of his appointment be a duly qualified sanitary engineer. He shall be paid such yearly salary as the board determines, and shall remain in office from year to year, unless a majority of the members of the board, within one month after their appointment in any one year, by resolution, remove him; provided always, however, that he may be removed at any time for cause sufficient in the opinion of the board to justify his dismissal by a majority vote, one week's notice of the cause having been first given in writing.

(2.) It shall be the duty of such sanitary superintendent to see that the laws of the province and the regulations in force on all subjects affecting the health and cleanliness of the City are strictly enforced; and he shall be held responsible by the board for the due enforcement of all such laws and regulations, and of any particular orders given by the board, and shall be subject to removal for the non-enforcement of any of the same. C. C., s. 771.

**850.** The board may from time to time employ such other officers and servants as it deems requisite for the proper discharge of its duties, on such terms and on such salary or remuneration as it determines. C. C., s. 773. Other officials.

**851.** (1.) The sanitary superintendent, and any other official of the board, may at any time enter any dwelling or premises, and every part thereof, for the purpose of inspecting the same, and for the purpose of effecting such entrance may, if necessary, use force. Officer may enter dwellings.

(2.) Any person refusing admittance to any building, or part thereof, or obstructing any such official in the discharge of his duty, shall be liable to a penalty not exceeding fifty dollars, and in default of payment, to imprisonment for a period not exceeding one month.

(3.) Every official of the board, and every person acting under the authority of the board in carrying into effect any provision of this Part of this Act, or any by-law or regulation of the board made under the authority of this Part, shall have and enjoy the protection, privileges and immunities had and enjoyed by a police constable. C. C., s. 774.

**852.** The board may from time to time make, alter or repeal by-laws for the improvement and maintenance of the public health, and the prevention and treatment of every kind of infectious disease, and may annex pecuniary penalties or terms of imprisonment, or both, not, however, to exceed a penalty of two hundred dollars, or imprisonment for more than six months for any one offence, for the breach of any such by-law. C. C., s. 775. Board may make by-laws.

**853.** The subjects in relation to which by-laws may be made under the next preceding section shall include the following:— Subject of by-laws.

- (a) The preventing or mitigating of infectious, epidemic, endemic, or contagious diseases.
- (b) Supplying medical aid and accommodation and medicines, and such other articles as are deemed necessary.



- (c) Domestic quarantine, and preventing the admission of persons to, or the departure of persons from, any infected building, house or place within the City, and for detaining persons or things, and closing up shops, dwellings and buildings which have been exposed to infection for inspection or disinfection until the danger of infection is past.
- (d) The cleaning, purifying, ventilating and disinfecting of dwellings, hotels, schools, churches, public buildings and places of assembly, carriages, cars, boats and conveyances coming into or landing passengers in the City, by the owners, occupiers, agents or persons having charge of the same.
- (e) Preventing expectoration in public places, and the spread of disease thereby.
- (f) The registration and licensing of plumbers in the office of the Clerk of Works, the manner and mode of doing plumbing work in any building, and the kind of material to be used, the mode and manner of connecting all buildings with the public sewers, the construction of and material to be used in drain pipes, the size and thickness thereof, and the manner of fastening the same in any building, and the regulation and size of all rain water lead pipes, sewer soil pipes, and the testing of all pipes, the regulation and building of all sinks, basins, water closets, stopoppers, trays and waste pipes, and the proper construction of water closets, and the supply thereof, and fees to be paid in connection with such registration.
- (g) The frequent and effectual cleansing of dwellings, public and private buildings, yards and outhouses by the owners or occupiers of the same, the regulation of privies and vaults, and the removal of night soil.
- (h) The removal of nuisances or anything declared by the board to be detrimental to the public health.
- (i) The location and regulation of slaughter-houses, and the manner in which the same shall be conducted.
- (j) The inspection and regulation by license or otherwise of the food and milk supply, and the condemnation and destruction of food or milk unfit for consumption.
- (k) The management and maintenance of hospitals for infectious diseases, the isolation of patients out of hospital, and their removal to and detention therein.
- (l) the appointment of sanitary police for the purpose of carrying out and enforcing the regulations and orders of the board and their payment by the City.

- (m) The vaccination of all persons within the City.
- (n) The reporting of all cases of disease, the registration of deaths, and the safe and speedy interment of the dead, and the conduct of funerals.
- (o) The compelling the registration of births by medical practitioners, midwives, parents, guardians, or other persons having the care and custody of children.
- (p) The regulation and prevention of the keeping of cows, goats, pigs, and other animals within the City, including the defining of limits within which the same may be kept, and prescribing the number of horses or cattle that may be kept in any stable or building in the City.
- (q) The enforcement of the provisions of the Public Health Act applicable to the City, and any other duty imposed by law upon boards of health.
- (r) Any other matter requisite in the opinion of the board for the good health and proper sanitary condition of the City. C. C., s. 776.

**854.** (1.) In any matter coming within any of the subjects in respect to which the board may make by-laws, and whether a by-law has been made in respect thereto or not, the board may make an order directing any person to do, or to abstain from doing, anything, the doing of which is, in the opinion of the board, essential to the public health. Orders of board.

(2.) If the person so required to do or to abstain from doing, on being notified of such order, fails to comply therewith, the board may do anything directed by the order to be done, and may collect the expense thereof from the person so ordered by an action in the name of the board, and, in addition, the person so ordered shall be liable to a penalty under this Part. C. C., s. 777.

**855.** Any such by-law or order made by the board may be disallowed at any time by the Governor-in-Council, and the board shall immediately, on receipt of any order-in-council disallowing the same, give public notice thereof, if it is a general regulation, and notice to the person affected, if it is a particular order. C. C., s. 778. Disallowance and approval.

**856.** (1.) Every by-law of the board shall be published in the *Royal Gazette*, and shall be deemed in force from the first date of such publication. It shall also be published in at least one other paper published in the City by one insertion each week for at least four weeks. Publication in Gazette.

(2.) The production of a *Royal Gazette* containing any by-law of the board shall be evidence of the making, dating and contents thereof.

(3.) Any particular order or resolution of the board may be proved by the production of its minutes, or a copy of such order or resolution purporting to be signed by the secretary, and certified by him to be a correct copy. C. C., s. 780.

Want of  
form not to  
vacate.

**857.** No by-law, rule, regulation, order or proceeding made, done, or transacted by or under the authority of the board, shall be quashed vacated or set aside for want of form or irregularity, or be removed by *certiorari* or other writ or process into the supreme court or the county court, nor shall any appeal or *certiorari* be taken in respect to any conviction made under this Part of this Act, or under any by-law or regulation made thereunder. C. C., s. 781.

Penalties.

**858.** Every person who—

(a) contravenes or fails to comply with any provision of this Part of this Act, or any by-law or order of the board in respect to a breach of which no penalty is provided, or

(b) obstructs any officer of the board in the discharge of his duty,

shall for each such offence be liable to a penalty not exceeding one hundred dollars, and in default of payment, to imprisonment for a period not exceeding ninety days. C. C., s. 783.

Reports and  
recommendations.

**859.** In addition to the subjects in respect to which the board may make and enforce by-laws and orders, the board may from time to time make reports and recommendations to the Council on any of the following subjects:—

(a) The time and manner of street cleaning, and the condition and improvement of the streets and public places of the City.

(b) The removal and disposal of ashes, garbage, and night soil.

(c) The improvement of the water supply, and the inspection of the water.

(d) The construction, and ventilation, and the necessity for additional sewers and drains, and the manner and mode of connecting the same with public and private buildings.

(e) The condition, mode of construction and regulation in respect to sanitary matters of dwelling-houses, schools, hotels, factories, and public and private buildings.

- (f) The duties and work of the medical officer in addition to such as devolve upon him under any existing law.
- (g) Any other matter, subject or work, under the control of the Council, which may be dealt with by the Council, in the opinion of the board, to the improvement of the public health. C. C., s. 784.

## OTHER POWERS OF BOARD.

**860.** The board, or any officer thereof, may enter any building or premises and use force and employ such assistance as is necessary in order to accomplish what is required to be done to effect compliance with any by-law, regulation, or order, and it shall be the duty of the police force, or any member thereof, to assist the board or its officers at any time when called upon. C. C., s. 779.

Employment of force.

**861.** The board may direct the removal of any person, who is ill with any infectious or contagious disease, to a hospital for infectious or contagious diseases, or to any other building designated by the board for that purpose; and for the purpose of such removal, the officers or servants of the board may enter any building and, if necessary, use force. C. C., s. 782.

Removal of infectious cases to hospital.

**862.** (1.) No person shall erect any building intended to be used as a dwelling house, or remove from any place any building intended, after such removal, to be used as a dwelling house, or convert into a dwelling house, any building not previously used as a dwelling house—

Dwellings not to be erected where no sewer, without permit.

(a) On or upon any land which cannot be conveniently connected with any sewer; or

(b) Which will not, when so erected or removed, front on a public street;

without first obtaining a permit therefor from the board; and the board may refuse to grant a permit therefor if, in the opinion of the board, such building, when so erected, or removed, will be in an unsanitary condition or locality.

(2.) The application for a permit for any such erection or removal shall be made to the board within ten days before beginning any work thereon, and the provisions of this Act, respecting permits for buildings shall apply thereto, the secretary of the board being, for the purposes of such permit, substituted for the inspector of buildings.

(3.) The erection or removal of any such building without such permit shall be deemed a violation of the provisions



of this Act in relation to buildings, and the provisions hereof imposing penalties and regulating procedure in the Part relating to buildings shall be applicable thereto. 1907, c. 69, s. 47.

Repair or  
removal of  
unsanitary  
building.

**863.** (1.) Whenever it appears to the board that any building, or part of any building, is in such an unsanitary condition as not to be fit to be used as a dwelling house, the board may require an inspector, or other official of the board, to report on the same in writing.

(2.) Any such report shall be transmitted by the board to the engineer, who shall further report to the board the causes of such unsanitary condition and the manner in which the same may be remedied, and whether the same can be remedied by any alteration or improvement in the building, or whether the building, or any part of the same, should be removed or destroyed.

(3.) Upon the receipt of such report from the engineer, the board may appoint a time and place for the consideration of the same, and shall give the owner or agent of the building not less than ten days' notice of the time and place so appointed, furnishing him, at the same time, with copies of the reports of the inspector and engineer; and at the time and place so appointed such owner or agent may appear and be heard respecting the matter of such reports.

(4.) If no owner or agent of any such building resides within the City, the board may cause a notice of the intention to consider the unsanitary condition of the building at a time and place therein stated, to be posted on such building, and also publish the same, for not less than two weeks, in a newspaper published in the City, by not less than two insertions in each week, and at the expiry of two weeks from the first day of such posting or such publication (whichever happens last), any proceeding in respect to the unsanitary condition of such building may be had and taken *ex parte*

(5.) Upon consideration of the said reports the board may make such order, in respect to the sanitary condition of the building, as it deems proper, and may order that any alterations or improvements shall be made therein by the owner or agent, and in such case shall furnish the owner or agent with a plan and specification of the repairs or improvements so ordered to be made.

(6.) If the board is of opinion that the building cannot be so repaired or altered as to be put into a sanitary condition, it may direct that the owner or agent of the property shall remove or destroy the same.

(7.) A copy of any order made by the board directing the repairs, alterations, improvements, removal or destruction of any building in the City, shall be served upon the owner or agent, if resident in the City, or mailed to him if not so resident, and his address is known to the board.

(8.) If the owner or agent of the building fails to comply with any order of the board requiring him to repair or alter any such building, for one month after the same has been made, the board may cause the said building to be vacated and closed, and may compel the removal of any person therefrom, and cause such building to remain vacant until the order of the board is complied with, and such owner or agent shall also, for each day on which such failure to comply continues, be liable to a penalty not exceeding fifty dollars, and in default of payment to imprisonment for a period not exceeding one month.

(9.) If the owner or agent of any building which the board has ordered to be removed or destroyed, fails to comply with such order for one month, the board may remove or destroy the same, and any such building or the material thereof, may be sold and the proceeds applied to defray the expenses of removal or destruction, and any balance of such expense remaining shall be a lien on the property on which such building stood, and shall be added to the next yearly rates thereon and be collected along therewith, and with the same rights and remedies. 1907, c. 69, s. 48.

**864.** (1.) If the owner or agent of any premises who has been notified under the provisions of any by-law of the board to remove or close up any cesspit or privy from the same, fails to comply with the direction of the board in that behalf, the board may report such failure to comply to the Board of Control, and that Board may thereupon itself enter upon the premises and itself do any work therein required to carry out the direction of the board, and may as part of such work place in the said premises a suitable water closet and connect the same by a drain with the public sewer, and the cost of any work so done shall constitute and be a lien on the property and premises on which the said work is done, having priority to any lien or charge thereon except a lien created under and by virtue of any provision of this Act, and may be enforced and collected in like manner as any lien or charge on real property in favor of the City.

On failure to  
close cesspit  
Board may do  
work at own-  
er's expense.

(2.) Upon the completion of any work done or performed by the Board of Control that Board shall furnish the collector with a statement of the cost of such work and of the property on which the work was done and the owner of such property.

(3.) The collector shall divide the amount for which any person is liable into three equal instalments, the first of which shall be due and payable the thirty-first day of May next ensuing, and one on each succeeding thirty-first day of May until the whole is paid.

(4.) To the first of such instalments shall be added the interest at six per cent. on the amount due in respect to the property from the date of the completion of the work, and to each succeeding instalment shall be added the interest at six per cent. on the amount of principal then remaining unpaid.

(5.) The owner of the property or the holder of any mortgage thereon, or any other person interested therein, may at any time pay to the collector the whole amount of principal and interest due in respect to such work and obtain a discharge of the lien hereby created.

(6.) For the purpose of performing any work under this section, the mayor, as chairman of the Board of Control, may borrow on the credit of the City the amount required for such work from any bank or fund available, and the amount so borrowed, with any interest payable thereon, shall be repaid out of the moneys from time to time collected from the owner of the property on which such work was done, and any balance after such repayment shall be paid into the general sinking fund. 1910, c. 47, s. 10.

Various  
trades.

**865.** (1.) No soap and candle manufactory, brewery, machine shop, steam mill, steam engine, distillery, lime kiln, tannery or other establishment, manufactory, or trade, dangerous or productive of serious inconvenience or discomfort to the persons living near to the same, shall be established, continued or carried on in any part of the City, unless by permission of the Council.

(2.) Every such establishment erected without such permission shall be deemed a common nuisance, and may be proceeded against by action at the suit of the City, and in addition, the person establishing or operating the same shall be liable to a penalty not exceeding twenty dollars for every day the same is operated after notice in writing from the mayor forbidding such operation.

(3.) The Council may from time to time make ordinances to regulate the establishments mentioned in this section, and to prescribe the limits and location of such establishments, and to affix penalties for any violation thereof. C. C., s. 785.

Urgent  
matters.

**866.** (1.) When any matter is reported by the board to the Council as being urgent, or requiring immediate action by the Council, or by the Council and board jointly, the Council

shall meet and deal with the same within one week after the report or recommendation is sent by the board to the Council, and the Council shall thereupon enforce the recommendation of the board, or certify in writing to the board its reasons for declining to adopt the report or accept the recommendation of the board.

(2.) On failure of the Council to so meet or so deal with any such report or recommendation, the board may carry out and enforce its report or recommendation in the same manner as the Council could do, and every officer and department of the city government shall thereupon carry out and enforce and do any necessary act, matter or thing, to carry out the order or direction of the board in the same manner as if the report or recommendation had been approved by the Council, and the officer or department had been instructed by the mayor to carry out and enforce the same as a resolution of the Council C. C., s. 786.

**867.** For the purpose of investigating any complaint or matter affecting the public health, or carrying out any duty imposed by law upon it, the board may hold a court of inquiry, and may summon witnesses and hear testimony, and may compel witnesses to attend before it, and for that purpose may direct a warrant for the arrest of any witness, signed by the chairman or acting chairman, to be issued, directed to the chief of police, who shall cause such witness to be arrested and brought before the board, and if such witness refuses to be sworn or give evidence, the chairman or acting chairman, by his warrant, may commit him to the county gaol, there to remain until he signifies his willingness to testify. C. C., s. 787. Power to investigate.

**868.** (1.) The Council may, on the recommendation of the board, make compensation to any person whose property, goods or effects, have been destroyed, or who has suffered pecuniary loss by the enforcement of any by-law or order of the board, but nothing herein contained shall be construed as conferring any claim on, or creating any liability in favor of, any person whomsoever for any damage, direct or indirect, so done. Compensation for property destroyed.

(2.) Any amount so paid by way of compensation shall—

(a) if the same does not exceed one thousand dollars, be included in the next estimate for rates and taxes, or

(b) if it exceeds one thousand dollars, be borrowed by the City, and be repaid in three yearly instalments.

C. C., s. 788.

**869.** The board shall make an annual report of mortuary statistics to the Governor-in-Council and to the Council. C. C., s. 789. Annual report.



Expenditure  
by Board.

**870.** (1.) A sum not exceeding five thousand dollars shall be placed in the civic estimates each year, and rated and collected for the purposes of public health. Every account contracted by the board shall be certified by the chairman, and submitted to the Council for approval, and paid on the warrant of the mayor and auditor, in the same manner as the other accounts of the City.

(2.) If the said sum of five thousand dollars is insufficient for the requirements of the board for any one year, or if any extraordinary expenditure is required by reason of the outbreak, or threatened outbreak, of any epidemic disease in the City, the Council shall, on the request of the board, grant all such extra amounts as the board calls for, and may, if necessary, borrow the amount required from any bank.

(3.) If the extra amount so required does not exceed ten thousand dollars, the Council shall include the same in the estimates for the next civic year, and the same shall be rated and collected together therewith. If such extra amount exceeds ten thousand dollars, the sum of ten thousand dollars thereof shall be included in the next civic estimates and rated and collected together therewith, and a further sum or sums of ten thousand dollars each (or in the case of the last instalment such amount as is then remaining unpaid) shall similarly be included in the civic estimates for each succeeding year until the whole of such extra amount is paid.

(4.) Until such amounts have been so rated and collected, the City may borrow any moneys required to discharge debts contracted by the board from any bank, and the interest payable on any moneys so borrowed shall be included in the amounts rated upon the property and inhabitants. 1908, c. 75, s. 5; 1911, c. 38, s. 6.

#### CITY MEDICAL OFFICER.

City medical  
officer.

**871.** The Council, on the nomination of the Board of Control, shall annually appoint a medical officer for the ensuing civic year, who—

- (a) shall be a duly qualified medical practitioner of not less than five years' standing,
- (b) shall hold office in the same manner and upon the same general terms as other city officials who are appointed annually; and
- (c) shall receive such yearly salary as the Council, on the recommendation of the Board of Control, from time to time determines. C. C., s. 792.

**872.** The duties of such medical officer shall be:—

His duties.

- (a) to visit, when requested by the mayor, the chief of police, treasurer, clerk, engineer, or other head of a civic department, any policeman or other official or employee of the City, absent from duty on the ground or plea of ill-health, and to report to the proper authority as to the nature of such illness;
- (b) to attend gratuitously to any policeman, fireman, or other city official or employee suffering from any injury or illness sustained or contracted while in the performance of his duty, and also to any person brought to the police station and requiring immediate medical attendance;
- (c) to attend at such times and places as the city health board appoints, for the purpose of vaccinating, and to vaccinate, free of charge, such persons as the board determines, and to see that public notices of such gratuitous vaccinations are duly given in such way as the board prescribes;
- (d) to attend on any inmate of the City Home or Rock-head prison, requiring medical attendance (other than any case of infectious disease);
- (e) to examine as to the physical fitness of every applicant for the position of policeman or fireman;
- (f) to examine as to mental condition every person in respect to whom an application is made for his admission to the Nova Scotia Hospital as an insane pauper chargeable to the City;
- (g) to perform such other duties as at the coming into force of this Act were performed by the medical officer;
- (h) to report before the close of the civic year upon the business transacted, and such other matters as he deems of interest. C. C., s. 793.

**873.** The medical officer shall be under the control of and be subject to the orders of the Council. C. C., s. 794.

To be under  
control of  
Council.

**874.** In any case in which, owing to the absence from the City without leave, neglect or other misconduct of the medical officer, any of his duties are necessarily performed by another medical practitioner, the fees payable to such practitioner shall be deducted from the next payment of salary made to the medical officer; provided that nothing herein shall apply to the consulting fees of medical practitioners called in by the medical officer in very serious cases. C. C., s. 795.

To pay for  
services of  
other practi-  
tioners.

To treat infectious cases.

**875.** The medical officer shall also, when so directed by the city health board, attend and report upon any case of infectious disease occurring in the City, and superintend the disinfection and placarding of any infected building, and generally do and perform such duties in relation to such disease as the board orders and directs. C. C., s. 796.

Other practitioner if medical officer quarantined.

**876.** In the event of an outbreak in the City of small-pox or other infectious disease, rendering it necessary for a medical practitioner to be quarantined in attendance upon patients affected with such disease, and confined in a hospital in that behalf, the city health board may appoint any duly qualified medical practitioner for that purpose, and may pay him such sum for his services as the board deems fit. C. C., s. 797.

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## PART XII.

### EDUCATION.

#### PUBLIC SCHOOLS.

School board, how constituted.

**877.** (1.) The City shall be one school section, and there shall be twelve commissioners of schools for such City, who shall be resident payers of school rates and shall be appointed, six by the Governor-in-Council, and six by the Council as in this part provided. C. C., s. 798. 1907, c. 67, s. 2.

To be body corporate.

**878.** The twelve commissioners so appointed shall constitute a board of school commissioners for the City, and such board shall be a body corporate, under the name of the Board of School Commissioners for the City of Halifax, in this part referred to as the board, and, subject to the provisions of this Part, shall have all the powers and perform all the duties conferred and imposed upon trustees and commissioners respectively of schools by the Education Act. C. C., s. 799.

Tenure of office of commissioners appointed by Government.

**879.** The six commissioners appointed by the Governor-in-Council shall hold office for the period of three years, the two senior commissioners retiring on the first day of November of each year; and the Governor-in-Council shall appoint two persons to fill the places of the two retiring commissioners, who shall hold office for three years. C. C., s. 800.

Tenure of those appointed by Council.

**880.** The commissioners appointed by the Council shall likewise hold office during the period of three years, the two senior commissioners retiring on the first day of November in each year; and the Council on the first day of November of

each year, or as soon thereafter as conveniently may be, shall appoint two persons to hold office for three years, to fill the places of the two retiring commissioners. C. C., s. 801.

**881.** Any such commissioner, whether appointed by the Governor-in-Council, or the Council, shall be eligible for re-appointment to the board for a second term of three years, but not for a third term until the expiration of twelve months from the time of his going out of office C. C., s. 802.

Commissioners eligible for re-appointment.

**882.** (1.) No person shall be qualified to be appointed, or to be, a member of the board who—

Disqualification of commissioners.

(a) is not a resident of the City and rated for school rates therefor;

(b) while in office becomes bankrupt or insolvent, or who compromises with or makes an assignment for the benefit of his creditors;

(c) accepts or holds office, commission or employment, permanent or temporary, in the service of the board to which any salary, fee, wages, allowance, emolument or profit of any kind is attached.

(d) directly or indirectly, alone or with any other person, by himself or by the intervention of a trustee or third person, holds, enjoys, undertakes, or executes, any contract, expressed or implied, or any service or work with or for the board, in respect to which payment is to be made out of the funds or revenue of the board directly or indirectly, or is concerned or interested in any such contract, service or work; provided that nothing in this clause shall render ineligible any person by reason of his being a member of a joint stock company having a contract with, or employment from the board unless such person is president or director or manager of such company.

(2.) Any commissioner who becomes disqualified under any of the provisions of this section shall vacate his seat, and the board shall by resolution declare such seat to be vacant. 1907, c. 67, s. 4.

**883.** Any casual vacancy in the board caused by death, resignation, removal from the City, refusal or inability to act, or other cause, shall be filled by a person appointed by the authority who appointed the person causing the vacancy, to hold office for the unexpired term of such person. C. C., s. 803.

Casual vacancies.

**884.** If from any cause any commissioner to be appointed either by the Governor-in-Council or by the Council has not been appointed at the time fixed for such appointment, or hav-

Commissioners to hold office until successors appointed.



ing been appointed does not act, the commissioners who have been appointed and consented to act may continue to act until any vacancy so existing is filled up C. C., s. 804.

Publication  
of appoint-  
ments in *Royal*  
*Gazette*.

**885.** Notice of every appointment of commissioners shall be published in the *Royal Gazette* as soon as conveniently may be after the same is made. C. C., s. 805.

Chairman and  
vice-chairman.

**886.** At the first meeting in November in each year, the board shall elect a chairman and vice-chairman, who shall, if they continue members of such board, remain in office until their successors are appointed. C. C., s. 806.

Committees.

**887.** The board may, at the first meeting in November, or at any other meeting, appoint such standing and special committees as the board from time to time deems requisite, and assign to any such committee such powers and duties as the board deems fit. 1907, c. 67, s. 5.

Secretary.

**888.** The board shall appoint its own secretary and fix his salary. C. C., s. 807.

Property  
vested in  
Board.

**889.** The title to all public school property, real and personal, within the City, shall be vested in the board, and the board may, with the approval of the Governor-in-Council first obtained, sell and dispose of the same, or any part thereof, and may, subject to the provisions of this part of this Act, place the proceeds in the school sinking fund, or apply them for any of the purposes for which the City may be required to issue debentures as hereinafter specified, as the board deems expedient. 1907, c. 67, s. 6.

Board to  
provide  
school accom-  
modation.

**890.** The board shall take all necessary steps to provide sufficient school accommodation, and shall furnish annually to the superintendent of education a report of proceedings under this Act, also returns of all schools subject to its control, and a statement of the appropriation of all moneys received and expended by it under the provisions of this Act or the Education Act. C. C., s. 809.

School areas  
may be ap-  
portioned.

**891.** The board may, by resolution or otherwise, apportion to each school or department an area within which the pupils attending such school or department must reside. C. C., s. 810.

Board may  
co-operate  
with other  
school bodies.

**892.** The board may co-operate with the governing body of any school in the City on such terms as to the board seems right, in order that the benefits of such school may be as general as circumstances will permit; and the board may make such

allowance to any such school out of the funds under its control as is deemed right; but no public funds shall be granted by the board in support of any school unless the same is a free school under the provisions of the Education Act. C. C., s. 811.

**893.** (1.) The board may from time to time:—

(a) Select and purchase sites for school buildings;

(b) Erect, purchase or repair and improve school buildings, and improve school grounds;

(c) Purchase suitable furniture and apparatus for the schools,

and the money for any of such purposes, shall be furnished by the City, as hereinafter provided.

Power to  
purchase land  
and erect  
buildings, etc.

(2.) The board shall not enter into any contract for the purchase of any land or for the erection of any school building until such contract has been submitted to and obtained the approval of the Governor-in-Council. C. C., s. 812. 1907, c. 67, s. 7.

**894.** The board may lease any land or building for school purposes, and may from time to time renew any lease. C. C., s. 813.

Board may  
lease.

**895.** The board may effect insurance on any school house, school furniture, or other property under its control. C. C., s. 814.

Insurance.

**896.** The board shall be entitled to receive from the superintendent of education the grants provided by law for teachers and assistant teachers employed in the City. C. C., s. 815.

Teachers  
grant.

**897.** (1.) On request of the board specifying the amount required, in addition to the sums provided from the provincial treasury, for the yearly support and maintenance of the schools under its charge, the Council shall add a sum sufficient, after deducting cost of collection and probable loss, to yield the amount so specified by the board, to the amount to be rated upon the City to be levied and collected from the ratepayers thereof.

Council to  
provide for  
board's esti-  
mates.

(2.) The amount so specified by the board shall not include any expenditure:—

(a) For repairs or improvements of an unusual or extraordinary nature; or

(b) For the construction of any new building; or

(c) For the purchase of any land. C. C., s. 816. 1907, c. 67, s. 8.

Settlement of  
amount of  
estimates.

**898.** (1.) The amount so specified by the board shall not exceed the sum of one hundred and forty thousand dollars in any one year, unless a detailed and itemized estimate, showing the amount so specified and required for the various services, is submitted to the Council before the 6th day of December for approval.

(2.) If the Council does not, before the 11th day of December, signify to the board, in writing, any objection to such estimates, they shall be deemed to be approved by the Council, and shall be included by the Council in the estimates of the amount to be rated and collected for the ensuing year.

(3.) If the Council disapproves of the said estimates, or any item thereof, and communicates its objection to the board, in writing, specifying the objection, before the 18th day of December, such estimates shall, unless the board assert an appeal from such objection as hereinafter provided, be deemed to be varied as specified in such objection, and the amount as so varied shall be rated and collected as aforesaid.

(4.) Upon the receipt of any such objection, the board may, on or before the 23rd day of December, appeal therefrom to the Governor-in-Council, who may hear such appeal, and may dispose of the matter of such objection, or may otherwise vary or amend such estimates as is deemed fit, provided that any such appeal shall be determined by the Governor-in-Council on or before the 28th day of December. The Governor-in-Council shall notify the mayor of the time and place of hearing any such appeal, and the Council may attend and be heard thereat. The determination of the Governor-in-Council shall be forthwith communicated to the mayor, and the amount of the estimates of the board, as determined by the Governor-in-Council, shall be rated and collected as aforesaid.

(5.) In any such estimate the board shall state the amount estimated to be received from the provincial treasury, and all sources other than the City, and shall specify the total amount intended to be expended by the board during the ensuing year, and the board shall not expend in the year a greater sum than the total amount so specified, and any or all moneys received by the board in excess of such total amount, and all other sums not expended by the board shall be deemed an unexpended balance within the meaning of that phrase in this Act, and as such paid to the trustees of the reserve fund and general sinking funds to be invested and dealt with as part of such funds. The trustees of the general sinking fund shall annually furnish to the board a statement of the amount of such balance and the accumulations thereof available for the redemption of the bonds issued on School Board account.

(6.) If the board fails to pay to the said trustees the amount of any such unexpended balances, the trustees shall forthwith notify the treasurer of such failure and of the amount of the balance not paid, and the treasurer shall, notwithstanding the provisions of this Act as to the payment of money to the board by instalments, retain the amount so unpaid out of the next instalment of moneys payable to the board under such provisions and pay the same to the trustees for the purposes of the said fund. 1911, c. 38, s. 8.

**899.** The treasurer shall, on the first day of each month, excepting the months of May and November, pay to the board an instalment of one-tenth of the amount so specified by the board or determined by the Governor-in-Council, and if at the time of any such payment, a sufficient sum applicable to school purposes has not been collected to pay such instalment, the mayor shall borrow the difference from any bank, and the amount so borrowed shall be repaid by the treasurer from the taxes when collected, and the interest, if any, paid on such loan shall be rated each year upon the property of the ratepayers, and collected in the same manner and with the same rights, remedies and liens as the ordinary rates and taxes of the City. C. C., s. 818.

Estimates payable by instalments.

**900.** The objects to be provided for by the board out of the moneys so received shall be—

Objects of expenditure.

- (a) the salaries of teachers and assistants, and of the secretary of the board;
- (b) the leasing of lands and buildings for school purposes;
- (c) the repairing and improving of grounds and buildings;
- (d) the cleaning, fuel and insurance of school buildings;
- (e) the purchase of prescribed school books and of library books;
- (f) the interest payable on debentures issued by the board;
- (g) the cost of supervision of schools;
- (h) the cost of enforcing the provisions of this Act relating to the compulsory attendance of children at school;
- (i) the cost of special instruction to teachers;
- (j) the cost of medical and dental examination of the officers, teachers, janitors and pupils of the schools.
- (k) the cost of providing pensions for officials and teachers of the board;



- (l) school apparatus and stationery, and
- (m) any other expense required in the due execution of the different powers, duties and trusts vested in the board. C. C., s. 819. 1907, c. 67, s. 10.

Debentures—  
City to issue.

**901.** (1.) Whenever the board requires money for—

- (a) The purchase of a site for a school building;
- (b) The erection of a school building;
- (c) The execution of repairs or improvements to any building of any unusual or extraordinary character;
- (d) The improvement of any school ground of an unusual or extraordinary character;
- (e) The purchase of furniture or apparatus of such an amount as cannot be properly or conveniently included in the yearly expenditure,

the board may apply to the Governor-in-Council for an order directing the City to issue its debentures or stock to the amount so required, and the Governor-in-Council shall appoint a time and place at which the matter of such application shall be heard.

(2.) Notice of the amount so required, and of the purposes for which the same is required, and of the time and place so appointed, shall be given to the mayor, and the Council may appear at the hearing.

(3.) After hearing the matter of such application, the Governor-in-Council may direct the City to issue debentures or stock to raise the amount so required, or any part thereof, as the Governor-in-Council determines, and if the direction is for a lesser amount than the amount originally required, the direction shall specify the purposes for which the amount to be borrowed shall be applied.

(4.) Upon any such direction being given the treasurer shall forthwith issue the debentures or stock of the City to raise the amount so directed, and shall pay the proceeds thereof on demand to the proper officer of the board, to be expended for the purposes for which said amount is raised.

Debentures  
to be charge  
on city.

**902.** Any debentures or stock so issued by the City, shall be issued in like manner and upon the same terms and conditions as is provided by the Halifax City Consolidated Fund Act, 1905, and with the like provisions as to a sinking fund therefor, and no further or special act of the legislature shall be necessary or requisite to authorize the issue of the same by the City, and any debentures or stock so issued shall be valid and binding upon the City, in like manner as though issued under the authority of an act of the legislature specially passed in that behalf. 1907, c. 67, s. 12.

**903.** (1.) In order to provide a sinking fund for the redemption of any debentures or stock issued by the board, previous to the 25th day of April, 1907, there shall be included in the yearly amount rated upon the inhabitants and property of the City, a sum equal to one per cent. on the total amount of such debentures or stock from time to time outstanding, and such amount shall be invested by the trustees of the general sinking fund of the City as part of such fund. Sinking fund for old debentures.

(2.) In any statement of such general sinking fund issued by the trustees the amount held and invested for the retirement of school debentures shall be separately stated. 1907, c. 67, s. 12.

**904.** If the Council or treasurer fails to issue any debenture or stock directed by the Governor-in-Council to be issued, or to pay to the board the amount so directed to be raised for sixty days after the date of such direction, the board may borrow such sum or so much as is required from any bank or person, and the amount so borrowed may be recovered by the lender from the City; or the board may issue its debentures for such amount, payable with interest not exceeding five per cent., in twenty-five years from the date of issue, and every debenture so issued shall be a charge upon the City in like manner as though it had been issued by the City, and the interest thereon shall be included in the amount yearly rated on the inhabitants and property. 1907, c. 67, s. 12. Board may issue debentures if city fails to do so.

**905.** (1.) The board may make, and from time to time amend, alter or repeal, by-laws in respect to— By-laws.

(a) the duties of the officials; or

(b) the procedure at its meetings.

(2.) Every such by-law shall be invalid until it has been approved by the Governor-in-Council. C. C., s. 823.

**906.** The commissioners shall be entitled to a sum, in no case to exceed one thousand dollars annually, as remuneration for their services; such remuneration to be apportioned according to the promptness and regularity of the attendance of the members of the board, and the amount of labor performed by each, as the board decides. C. C., s. 824. Remuneration of commissioners.

**907.** Nothing in this Part of this Act shall be construed to affect the provisions of sections 79 and 80 of the Education Act. C. C., s. 825. Secs. 79 and 80 Education Act not affected.

## COMPULSORY ATTENDANCE AT SCHOOL.

Interpretation  
of terms.

**908.** In the following sections of this Act relating to the compulsory attendance of children at school, unless the context otherwise requires—

the expression “child” means any boy or girl between the ages of six and sixteen years.

the expression “parent” means the father of any child, but if the father is dead or absent from the City, or in insolvent circumstances, the mother of the child.

the expression “person in charge” means any person over the age of twenty-one years, with whom any child ordinarily lives or resides, or who controls, or is in a position to control, or assumes to control, or has the apparent charge of such child.

the expression “board” means the board of school commissioners for the City of Halifax.

the expression “school” means any public school or any private school approved by the board. C. C., s. 826. 1907, c. 67, s. 14.

Private school  
—how ap-  
proved.

**909.** (1.) For the purposes of the said sections, the board shall approve a private school only when the instruction given therein includes reading, spelling, writing, English composition, geography and arithmetic, as well taught as they are in an ordinary public school, and when such school keeps a register of attendance in form and manner as prescribed by the Council of Public Instruction for public schools, which register shall, at all times during school hours, be open to the inspection of such persons as the board appoints, and furnishes to the board such reports and returns concerning the studies and attendance of pupils in such school between the ages of six and sixteen years, as are required for the carrying out of the provisions of the said sections.

(2.) It shall be the duty of the superintendent of education to supply such registers and blanks for returns as are necessary for compliance with the provisions of such sections. C. C., s. 827.

Children of  
military and  
transients.

**910.** Nothing in the said sections shall apply to the children of persons in the military or naval service of Great Britain during the time they continue in either of such services while residing in the City, nor to the children of persons visiting the City and not permanently residing therein. 1899, c. 56, s. 14.

Census of  
children.

**911.** (1.) The board shall, before the first day of September in every year, ascertain the name and age of every child residing in the City, and the name of the parent or person

in charge of such child and his address, and enter the same on a list.

(2.) The board may appoint a person or persons to make such enumeration, and direct the manner in which the same shall be made and the books in which the same shall be kept. C. C., s. 829. 1907, c. 67, s. 15.

**912.** Every person who—

- (a) refuses to give to any officer of the board the name and age of any child living with him, or
- (b) gives a false name or age, or
- (c) wilfully gives any false information in regard to any matter about which information is required by this Part,

Penalty for  
refusing  
information.

shall, for each such offence, be liable to a penalty not exceeding twenty dollars, and in default of payment to imprisonment for a period not exceeding twenty days. C. C., s. 830. 1907, c. 67, s. 16.

**913.** (1.) Except as is herein otherwise provided, every child shall attend some school during school hours on every day on which such school is open, unless such child is excused from such attendance by the board upon the presentation to the board of satisfactory evidence, showing that such child is prevented from attendance upon school, or application to study, by mental, physical, or other good and sufficient reasons.

Attendance  
at school  
required.

(2.) Any child—

- (a) who is excused from such attendance by the board upon the presentation to the board of satisfactory evidence showing that such child is prevented from attendance at school or application to study by mental, physical or other good and sufficient reason; or
- (b) over fourteen years of age, if necessity requires such child to work, and who shows that fact to the satisfaction of the board and obtains the written permission of the secretary of the board for such employment; or
- (c) between the ages of fourteen and sixteen who passes a satisfactory examination in grade seven of common school work and is actually at work,

shall be exempt from the requirements of this section. 1913, c. 68.

**914.** (1.) Every parent, or person in charge, of any child, shall cause such child to attend some school as provided in the next preceding section.

Penalty on  
parent.



(2.) Every parent, or person in charge, of any child who fails to comply with this section shall be liable to a penalty not exceeding twenty dollars, and in default of payment to imprisonment for a period not exceeding one month. Provided, that before any such penalty is incurred, the parent, or other person liable therefor, shall be notified in writing by the secretary of the board of the effect of such non-compliance, and shall have an opportunity by compliance with the requirements of this Act in respect to compulsory attendance to avoid the imposition of such penalty. C. C., s. 832.

Absence from  
school to be  
reported.

**915.** Every teacher shall report in writing to the secretary of the board the name of every child on the school register who has been absent five days without lawful excuse, as soon as such absence has taken place.

(2.) The truant officer shall report to the secretary the names of every child not on any school register. C. C., s. 833.

Proceedings  
to be taken  
unless ex-  
planation  
furnished.

**916.** The board shall institute proceedings, under this Part, against every parent or other person in charge of any child who fails to comply with the requirements of this Part respecting compulsory attendance, unless such parent or other person satisfies the board that—

- (a) the physical or mental condition of the child is such as to render attendance or instruction in school inexpedient or impracticable; or
- (b) such child is being properly educated in reading, spelling, writing, English composition, geography, and arithmetic otherwise than in a public school or approved private school; or
- (c) the failure to attend the requisite term was owing to ill health or temporary absence from the City, or through some domestic affliction in the family of such parent or person, rendering it necessary or prudent, in the opinion of the board, to keep such child at home; or
- (d) the parent, or other person summoned, was by reason of poverty unable to provide such child with proper and sufficient wearing apparel for attendance at school, and that he *bona fide* endeavored to procure the same; or
- (e) some other good reason existed for such failure to comply. C. C., s. 834.

Certificate re-  
quired for  
private  
education.

**917.** No such parent, or person in charge of any child, shall be exempt on the ground that the child is being educated otherwise than in a public school or approved private school, unless he presents a certificate from the supervisor of schools that the child has passed a satisfactory examination in the grade of work suitable to the child's age and previous opportunities for receiv-

ing an education; and it shall be the duty of the supervisor to examine at stated times any such child making application for such certificate. C. C., s. 835.

**918.** A certificate under the seal of the board, and signed by the secretary of the board, that the name of any child mentioned in the summons does not appear on the school register of any of the public schools of the City, or that the child has not attended school as required by this Part, and that the person summoned has been returned on the list to the board as the parent or person in charge of such child, shall be received in any prosecution under this Part as *prima facie* evidence of the offence charged, without requiring any proof of the seal of the board or the signature of such secretary, or the production of any school register or list in the custody of the board, or any certified extract from the same, and shall be sufficient evidence to warrant a conviction, unless the person summoned makes defence and satisfies the magistrate that he comes within one of the exemptions hereinbefore specified, or that the certificate presented by the secretary is in fact untrue. C. C., s. 836.

Certificate of Board to be evidence.

**919.** If any parent or person in charge of any child is unable to induce such child to attend school as hereinbefore required, and sends a notice in writing to that effect to the secretary of the board, and proves to the satisfaction of the board that he is unable to induce such child to attend school, the child shall, from and after the receipt of such notice and proof, be deemed to be and shall be dealt with as an habitual truant, and the person sending such notice shall not be liable to any penalty after the receipt of such notice and proof. C. C., s. 837.

Parent excused if unable to compel attendance.

**920.** Any child —

- (a) registered as attending any of the public schools, and reported by the teacher to be absent for five or more days, not necessarily consecutive, during any school term, without excuse and without the consent of the parent, or person in charge, or
- (b) known to the police, truant officer, or any officer of the board, to be begging or wandering in the street and found not to be attending any school or engaged in any proper employment during the regular school hours, or
- (c) whose parent, or person in charge, having been notified to appear before the board or some committee thereof, for failure to send a child to school as hereinbefore required, thereafter fails to cause the child to attend school as required by this Part for five or more days, not necessarily consecutive, during any school term,

Habitual truants defined.

shall be deemed to be an habitual truant and dealt with as such. 1907, c. 67, s. 17.

Habitual  
truants to be  
summoned.

**921.** (1.) When information is laid before the stipendiary magistrate by any police officer, truant officer, or officer of the board, that any child is suspected of being or is believed to be by the person laying such information an habitual truant, the magistrate shall issue a summons commanding such child to appear before him at a time and place to be named therein, and if such child does not appear, and if the summons was duly served a reasonable time before the time appointed for appearance, the magistrate shall issue his warrant for the arrest of the child, and adjourn the hearing until such child is brought before him; or the stipendiary magistrate may, if he thinks fit, in place of a summons, issue his warrant in the first instance, to have such child brought before him.

(2.) Any child arrested as an habitual truant may be temporarily confined in the police station, but shall be kept apart from any person charged with any crime. C. C., s. 839.

Committal of  
truants to re-  
formatories.

**922.** If it is established to the satisfaction of such magistrate that such child is an habitual truant, and that it would advance the moral welfare of the child, the magistrate may commit the child for a period not less than one year or more than three years to such reformatory, industrial school, home for children, or orphan asylum, in the City, as seems best to such magistrate, having in view the religious denomination, if any, to which the child belongs,—provided, however, that no child shall be detained in any such place after reaching the age of sixteen years. C. C., s. 840.

Hearing to be  
in private.

**923.** The hearing before the stipendiary magistrate shall not be held in open court, and only the persons interested in the child or representing the board and the witnesses shall be allowed to be present. C. C., s. 841.

Allegations to  
be evidence.

**924.** The allegation in the information—

- (a) that a child is absent without excuse, and without the consent of the parent or person in charge of such child, or
- (b) that the parent or person in charge of such child, after having been notified to appear before the board or some committee thereof, failed to cause such child to attend school for five or more days,

shall be *prima facie* proof of the statement so alleged. C. C., s. 842. 1907, c. 67, s. 18.

Suspended  
sentence.

**925.** The stipendiary magistrate, after consultation and advice with the parent or person in charge of such child, or with the officers of the board, may, if he is of opinion that the public interest and the welfare of the child will be best served

thereby, suspend the issue and execution of the warrant of commitment for a definite or indefinite period. C. C., s. 843.

**926.** (1.) The support and education of any child so committed shall be a charge on the City at the rate of eighty dollars per year for each child so committed. The Council may add to the amount to be rated the expense incurred annually by reason of any such arrangement, and the parent or person in charge of such child shall be liable to the City in such sum per month for the support of such child as the stipendiary magistrate determines and names in the order of commitment, and any order shall be final and conclusive as to the amount named therein, and of the ability of the parent or person in charge of such child to pay the same. Support of children committed.

(2.) If the amount named in any such order is not paid at the time or times mentioned therein, an execution may be issued by the stipendiary magistrate thereon at the request of the collector in the form now used in the city court, or any form necessary to enforce such order, and the officer to whom the execution is directed may enter in and upon any premises of the person liable to pay and seize and sell any personal property for the purpose of satisfying such execution and any costs and charges incurred under and by virtue of the same.

(3.) The clerk shall immediately upon the commitment of any child as an habitual truant give notice of such commitment to the collector, who shall collect each month the amount named by the stipendiary magistrate. C. C., s. 844.

**927.** Any truant or absentee child found wandering about the streets, or other places of resort, may be arrested without warrant by any person appointed as a truant officer. C. C., s. 845. 1907, c. 67, s. 19. Vagrants.

**928.** If any near relation of any child committed as an habitual truant dies, or is seriously ill, the stipendiary magistrate may order such child to be released for a specified time, either with or without the custody of the superintendent or other officer of the place of commitment, and may from time to time revoke, extend, or otherwise modify any such order. C. C., s. 846. Illness of relatives.

**929.** Any child who persistently violates the regulations of the school at which he attends, or otherwise persistently misbehaves so as to render him a fit subject for exclusion therefrom, may be deemed an habitual school offender and dealt with in the same manner as an habitual truant. C. C., s. 847. Children misbehaving at school.



Reformatories  
to be open to  
inspection.

**930.** Every reformatory, or other institution, to which any child is so committed, shall at all reasonable times be open to the inspection of the supervisor of city schools, or any other officer appointed for the purpose by the board, and the governing body of such reformatory, or other institution, shall provide instruction for such child as fully as is required in the case of an approved private school. C. C., s. 848.

Discharge  
from reform-  
atory.

**931.** (1.) If any child committed to any such reformatory or other institution has, in the opinion of the governing body of such institution so conducted himself during a term of three consecutive months, as by his good behaviour, diligence and industry, to warrant his being set at large and no longer detained in such institution, and if the board concurs with such governing body in recommending the issue of a license to such child to be at large, the attorney-general, or such person as he appoints to issue such license, may issue a license permitting such child to be at large in the province, or in such part thereof as is specified in such license.

(2.) Such license may be revoked or altered at pleasure by the attorney-general, or by such person as he appoints.

(3.) The attorney-general may make such regulations as he sees fit as to the form of such license, the conditions of enjoyment and forfeiture thereof, and for ascertaining that such conditions are duly complied with.

(4.) Upon information on oath that the holder of any such license has contravened any of the conditions thereof, the stipendiary magistrate of the City may issue a warrant for his arrest wherever in the province such child is, and cause such child to be brought before him, and upon a conviction of such contravention shall remand such child to such reformatory or other institution, there to serve the remainder of his original sentence, with such additional term not exceeding one year as to such magistrate seems proper. C. C., s. 849.

Employment  
of children.

**932.** (1.) No child under the age of fourteen years shall be employed by any person to labor in any business whatever during the hours from nine o'clock in the morning until half-past three in the afternoon of any school day, unless such child has attended some public school or some approved private school, or has been otherwise instructed by a teacher qualified to instruct in spelling, reading, writing, geography, English composition and arithmetic, for at least one hundred and twenty days in the year next preceding, and in every year in which such child is employed, and at the time of such employment delivers to the employer a certificate signed by the secretary of the board, certifying to such attendance, or a certificate signed by the supervisor that such child has passed a satisfactory examination in grade seven of common school work.

(2.) Any child, between the ages of thirteen and fourteen years, who has attended a public school or approved private school at least sixty full days during fourteen consecutive weeks during the preceding year, and delivers to the employer the secretary's certificate of such attendance, may be employed to labor. But no child under the age of thirteen years shall at any time be employed in any mechanical, manufacturing or mercantile establishment.

(3.) Every person who employs any child contrary to the provisions of this section shall for each offence be liable to a penalty of not less than ten dollars nor more than fifty dollars, and in default of payment to imprisonment for not more than one month. C. C., s. 850.

**933.** (1.) The board, or such officer or person as it appoints, shall in the months of November and May in every year, and at such other times as it deems necessary, examine into the condition of the children employed in every manufacturing or other establishment, and ascertain whether all the provisions of this Part are duly observed, and prosecute every person violating any of such provisions. Inspection of factories.

(2.) For the purposes of this section any officer of the board or person appointed by the board in that behalf may at any reasonable hour by day or night enter into and inspect any such establishment or any part thereof. C. C., s. 851. 1907, c. 67, s. 20.

**934.** (1.) On demand, on any such examination as is mentioned in the next preceding section, the proprietor, superintendent, or manager of such establishment or manufactory shall exhibit to the officer or person appointed by the board to make such examination, a correct list of all children under the age of fourteen years employed in such manufactory or establishment, with the required certificate of attendance at school or place of instruction. Manager to furnish list of children employed.

(2.) Any such—

- (a) proprietor, superintendent or manager who fails to furnish such list, or to send such list to the office of the board when requested in writing to do so, or
- (b) wilfully delays the officer or person appointed by the board in the exercise of any power under this Act, or obstructs such officer or person so appointed in the discharge of his duties under this Act,

shall be liable to a penalty of not less than ten dollars nor more than fifty dollars, and in default of payment to imprisonment for not more than one month. C. C., s. 852. 1907, c. 67, s. 21.

**935.** The Council may make ordinances in respect to Ordinances. habitual truants, and children between the ages of six and six-

teen years found wandering about the streets or public places between the hours of nine o'clock in the morning and three o'clock in the afternoon, and to prevent such children growing up in ignorance, and for more effectually carrying out the provisions and objects of the sections of this Part relating to compulsory attendance at school, and shall provide suitable places for the discipline and instruction and confinement, when necessary, of such children, and may require the police, or appoint special police for that purpose, to enforce such ordinances. C. C., s. 853.

Truant  
officer.

**936.** The board may appoint an official to be known as the truant officer to enforce the foregoing provisions respecting habitual truants, and perform any other duties appointed by the board, and such official shall have and enjoy all the powers and privileges of a police constable of the City. C. C., s. 854.

Only Board  
to prosecute.

**937.** No person other than the board, or some person appointed by it in that behalf, shall institute any proceeding for a contravention of any provision of this Part in respect to compulsory attendance at school. C. C., s. 855.

Statement of  
age to be  
evidence.

**938.** In any prosecution for a contravention of the provisions of this Part respecting compulsory attendance at school, the age stated in the information shall be taken *prima facie* to be the age of the child, and the prescribed register of any department shall be evidence of the attendance or absence of any pupil. C. C., s. 856.

Penalty.

**939.** (1.) Every person who contravenes or fails to comply with any of the provisions of this Part respecting compulsory attendance at school, or any ordinance made under such provisions, for the breach of which no penalty is provided, shall, for each such offence, be liable to a penalty not exceeding twenty dollars, together with the costs, and in default of payment to imprisonment for a period not exceeding sixty days.

(2.) Upon any conviction for any offence against such provisions it shall not be necessary to issue a distress warrant against the goods of the person convicted, but such person may be forthwith committed to gaol if the penalty is not at once paid.

(3.) Any penalty recovered upon any such conviction shall be for the use of the board to be applied in enforcing the provisions of this Part respecting compulsory attendance at school. C. C., s. 857. 1907, c. 67, s. 22.

Summary  
Conviction  
Act to apply.

**940.** The provisions of the Nova Scotia Summary Convictions' Act shall apply to any proceeding instituted under the sections of this Part in respect to compulsory attendance at school when not inconsistent with any express provision contained in such sections. C. C., s. 858.

## PART XIII.

## THE RELIEF OF THE POOR.

**941.** (1.) The Board of Control shall, subject to the provisions of this Act, have the supervision and management of the City Home. Board of Control to manage City Home.

(2.) That board shall also discharge any duties to be performed by the City in respect to patients in the Nova Scotia Hospital. C. C., s. 859.

**942.** (1.) The City shall be a poor district for the purposes of the Poor Relief Act, and shall furnish support in the City Home to every poor and indigent person having a settlement, as defined in that act, within the City, or applying for temporary relief under that act when such person is in need thereof. City to be poor district.

(2.) No pension, out of door allowance, or other relief, to any person not residing in the City Home shall be granted or paid by the City. C. C., s. 860.

**943.** The provisions of the Poor Relief Act in respect to— Poor Relief Act to apply  
 (a) the settlement of paupers;  
 (b) the removal of paupers; and  
 (c) the maintenance of paupers,  
 shall apply to the City, with the exceptions following:

(a) Any right or duty therein appointed to be exercised by the overseers of the poor may be exercised in the name of the City by the Council, or by the Board of Control;

(b) Any function therein appointed to be performed by a justice of the peace, or two justices of the peace, may be performed by the stipendiary magistrate for the City, and an appeal shall lie from any order or decision made by him to the county court, as provided in the said act. C. C., s. 861.

**944.** Every person who brings into the City any poor and indigent person who has not a settlement in the City, knowing, or having reasonable cause to believe, such person to be poor and indigent, and likely to become chargeable to the City for his support, and leaves such person in the City, shall, for each such offence, be liable to a penalty not exceeding eighty dollars, and in default of payment, to imprisonment for a period not exceeding two months. C. C., s. 862. Paupers not to be brought into city.



Liability of  
ship-masters.

**945.** Every master, or other person in charge of any vessel, who has brought such poor and indigent person into the City and who refuses to receive such person on board of his vessel for the purpose of conveying him out of the City, shall, for each such offence, be liable to a penalty not exceeding eighty dollars, and in default of payment to imprisonment for a period not exceeding two months. C. C., s. 863.

Ordinances.

**946.** (1.) The Council, on the recommendation of the Board of Control, may make ordinances for the control and management of the City Home, and of the officials and inmates thereof.

(2.) Such ordinances may provide for the punishment of inmates or officials guilty of drunkenness or disorderly conduct, or violating the regulations of the Home, and such punishment may consist of imprisonment for any term not exceeding one month in Rockhead prison, to be imposed by the stipendiary magistrate on conviction. C. C., s. 864.

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## PART XIV.

### INSPECTION AND MEASURING.

Council to  
appoint  
measurers.

**947.** The Council, on the nomination of the Board of Control, may annually or otherwise appoint for the City surveyors of lumber, measurers of coal and of salt, within the City, and all other officers necessary for carrying out the provisions of this Part, and may fix the rate of remuneration by ordinance or resolution in so far as the same is not fixed by this Part, and make ordinances for the carrying out of the provisions of this Part. C. C., s. 865.

Chap. 97 R.  
S. to apply.

**948.** The provisions of sections 1 to 47 of chapter 97 of the Revised Statutes shall apply and be in force in the City, with the following variations:—

In place of section 2 the following section shall apply and be in force:—

2. Plain bread intended for sale shall be made to the following weights respectively, and no other, viz., four pounds, two pounds, one pound, and eight ounces, and shall be marked in Roman characters with the weight thereof, and fancy bread containing sugar, milk, or shortening shall be made to the weight of one and a half pound to the loaf.

In place of section 7, the following section shall apply and be in force:—

7. Any person who makes or sells bread deficient in weight shall, unless the deficiency appears to have been caused by some unavoidable accident, be liable to a penalty not exceeding ten

dollars, and in default of payment, to imprisonment for a period not exceeding ten days.

In section 11, in place of the word "three" the word "thirty" shall apply and have effect.

In place of section 15 the following section shall apply and have effect:—

15. Coals or coke sold by retail from shipyard, store, yard, wharf, or other place shall be sold by the ton weight of two thousand pounds avoirdupois, and its divisions.

In sections 16 to 23, by adding the words "or coke" after the word coal wherever it occurs, and by striking out the word "salt" wherever it occurs.

In place of section 18 the following section shall apply and have effect:—

18. The weighers of coal or coke shall be entitled to receive from the seller five cents for every ton which they weigh. C. C., s. 866.

#### *Salt.*

**949.** (1.) All salt imported into the City in bulk shall be weighed or measured as discharged or landed from vessel or car by salt measurers appointed by the Council, on the nomination of the Board of Control, and the measurers shall receive therefor remuneration at the rate of two and one-half cents per hogshead, such charge to be paid one-half by the carrier and one-half by the consignee or consignees of such salt. Salt to be measured.

(2.) If any salt is delivered to any truckman or other person without having been so weighed or measured the seller or person delivering the same shall forfeit the sum of five dollars for each offence, each load or quantity so delivered at one time to be a separate offence.

(3.) If any measurer of salt undertakes to attend the admeasurement of salt from more than one vessel at the same time he shall forfeit a sum not exceeding eight dollars for each offence; and for any neglect or misconduct other than the offence last mentioned a sum not exceeding twelve dollars.

(4.) Richard D'Arcy, Supervisor, Thomas Wood, James Mahar and George C. Hawes, having been appointed by the Council, and being now the official measurers of salt, shall be and continue to be the measurers of salt under the provisions of this section until their offices are vacated by death, removal or resignation.

(5.) No vacancy among the above named measurers occurring after the coming into force of this Act shall be filled, and when all of the above-named measurers have vacated their offices by removal, resignation or death, this section shall cease to have any effect. C. C., s. 867.

## PART XV.

## ORDINANCES AND BY-LAWS.

Council may  
make ordin-  
ances.

**950.** The Council, in addition to the power to make ordinances or by-laws conferred on it by any other Part of this Act, may make ordinances in respect to any of the matters following, namely:—

(1.) The establishment and regulation of markets, market houses and fairs.

(2.) The good rule, peace, order, government and welfare of the City, and for the carrying into effect more fully all the powers, functions and duties vested by law in the mayor, Council and corporation,—provided always, that any such ordinance shall not be repugnant to the laws of the province or of the Dominion of Canada, or the provisions of this Act. C. C., s. 868.

Notice of  
passing.

**951.** No ordinance, and no amendment or repeal of any ordinance, unless reported up from the Board of Control or a committee, shall be submitted to the Council without notice having been first given at a previous meeting, by the member intending to submit the same, which ordinance shall also be endorsed by the member presenting it. C. C., s. 869.

To be read  
three times.

**952.** Every ordinance shall be read twice in Council before it is finally engrossed, and shall be read a third time before it passes, and shall be signed by the mayor and clerk, and sent to the Governor-in-Council for approval. C. C., s. 870.

Two readings  
at one meet-  
ing.

**953.** If the Council so desires, an ordinance may receive its first two readings on the same day, but the third reading shall take place on some day subsequent to that on which it receives its second reading. C. C., s. 871.

Power to re-  
peal and to  
impose  
penalty.

**954.** The power to make ordinances or by-laws in respect to any matter comprised in any Part of this Act, and whether to be exercised by the Council or by any other body of persons by any Part of this Act empowered to make by-laws, shall include:—

(a) the power to repeal, alter or amend any ordinance or by-law so made; and

(b) the power to impose a money penalty for the contravention of or failure to comply therewith, and imprisonment for the failure to pay the same, provided that, unless it is expressly otherwise provided, no such money penalty shall exceed one hundred dollars, and no such imprisonment shall be for a longer period than three months. C. C., s. 872.

**955.** Every person who contravenes or fails to comply with any provision of any ordinance or by-law in respect to which no penalty is otherwise provided, shall, for each such offence, be liable to a penalty not exceeding ten dollars, and in default of payment to imprisonment for a period not exceeding twenty days. C. C., s. 873.. General  
penalty.

**956.** A copy of any such new ordinance or by-law, or of any resolution to repeal, alter or amend any existing ordinance or by-law, shall, with all convenient speed, after the passage thereof, be transmitted to the Governor-in-Council for approval. C. C., s. 875. Copy to be  
sent Governor-  
in-Council.

**957.** Every such new ordinance, and every such repeal, alteration or amendment, shall only come into effect when the same is approved by the Governor-in-Council. C. C., s. 874. Approval of  
Governor-in-  
Council re-  
quired.

**958.** If the Governor-in-Council does not within thirty days after the receipt thereof signify his approval or disapproval thereof, the new ordinance, by-law, repeal, alteration, or amendment, shall be deemed and taken to have been approved and shall become law. C. C., s. 876. Approval  
presumed  
after thirty  
days.

#### PROOF OF ORDINANCES, BY-LAWS, RESOLUTIONS AND DOCUMENTS.

**959.** The clerk shall keep a book in which shall be entered a true copy of every such ordinance, by-law, alteration or amendment, with the dates at which the same were respectively passed by the Council and approved by the Governor-in-Council. C. C., s. 877. Book of  
ordinances.

**960.** (1.) In every case in which the original writing could be received in evidence, any writing purporting to be a copy of any ordinance of the City, or of any resolution or proceeding of the Council, or by-law or report of any board or committee thereof, or of any document of the City, or court or department thereof, or of any entry in any book of the City or court or department thereof, purporting to be certified under the seal of the City and the hand of the clerk to be a true copy of such ordinance, by-law or resolution, proceeding, report, document or entry shall be received in evidence in any court without proof of the signature of the clerk to such certificate, and without further proof in respect to the original. Certified  
copy to be  
evidence.

(2.) It shall not be necessary nevertheless to prove any ordinance or by-law printed and bound up in a volume with this Act, or purporting to be printed and bound by authority of the Council, but any court shall take judicial notice of such ordinance or by-law.



Ordinances  
ratified.

**961.** The ordinances and by-laws contained in the schedules to this Act shall be in force and effect respectively as ordinances of the Council, or by-laws of the board or committee having charge of the matters in respect to which they respectively relate, but any such ordinance may, from time to time, be repealed, altered or amended by the Council, and any such by-law may, from time to time, be repealed, altered or amended by the committee or board having power to make by-laws on the subject to which the by-law so repealed, altered or amended relates, in like manner as though they had been originally made by the Council or by such committee or board,—Provided that no ordinance which cannot under this Act be made without the recommendation of the Board of Control shall be altered, amended or repealed without the recommendation of that Board. C. C., s. 879.

## PART XVI.

### SUPPLEMENTAL.

#### PROTECTION OF CITY AND OFFICIALS.

Notice of  
action re-  
quired.

**962.** (1.) No action shall be brought against—

(a) the City; or

(b) any committee or board of the City; or

(c) any person or persons acting under either,

until twenty days' notice in writing specifying the cause of action is given, and at the trial the plaintiff shall be confined to the cause of action stated in such notice.

(2.) No action shall be brought against the City or any such committee or board, or any such person or persons, after six months next after the act or omission for which the action is brought.

(3.) Every such action shall be brought within the City and tried there, unless the court or a judge thinks fit to direct a trial in another county. C. C., s. 880.

Citizens  
eligible for  
jury.

**963.** In any action or prosecution in which the City is a party it shall not be received or allowable as an objection to the competency of any juror that he is a citizen or officer of the City. C. C., s. 881.

Indemnity of  
city for  
negligence  
of others.

**964.** Where the City is found liable for damages—

(a) in consequence of the unsafe condition of any square, sidewalk or street of the City, or of any nuisance or encumbrance thereon; or,

(b) in consequence of the breach or neglect of any law or of any ordinance or by-law of the City,

it shall have a remedy over and a right to indemnify itself for all such damages and for costs and expenses which it has

incurred in connection therewith against the person, company or association by whose act or omission such square, sidewalk or street was rendered in an unsafe condition, or such nuisance or incumbrance was caused, or such breach or neglect existed. C. C., s. 882.

**965** (1.) Where the City is obliged to pay any loss or damage occasioned by the performance of, or omission to perform, any act prohibited or required by the parliament of Canada, or the legislature, or by any ordinance, by-law or resolution of the City, on the part of any person, corporation or association, upon whom such parliament, legislature or City confers any right, privilege, or easement, into, under, over, or upon, any square, street or sidewalk of the City, the City shall have a remedy over, and a right to indemnify itself, against the person, company, or association, whose act or omission occasioned the loss or damage. Indemnity against companies, etc., having rights in street.

(2.) The amount of such loss or damage, with all costs and expenses incurred by the City in connection therewith, may be recovered against such person, corporation or association by the City in any court of competent jurisdiction as a debt due to the City. C. C., s. 883.

#### CITY PROPERTY FREE FROM MUNICIPAL RATES.

**966.** Notwithstanding anything contained in the Assessment Act, property owned or occupied by the City within the municipality of Halifax shall be exempt from taxation. C. C., s. 884. City property in municipality not to be taxed.

#### CONTINUING OFFENCES.

**967.** In any prosecution or proceeding in respect to any contravention of or failure to comply with any provision of this Act, or of any ordinance or by-law made under the authority thereof, which contravention or failure of compliance continues from day to day, the court or magistrate before whom the matter of such contravention or failure of compliance is heard may, in addition to the penalty imposed by law for such contravention or failure, impose a further penalty not exceeding five dollars, or in default of payment one week's imprisonment for each day during which such contravention or failure has continued, provided that notice in writing of such contravention or failure has been given to the person committing the same. 1908, c. 84, s. 7. Continuing offences.

#### OBTAINING FUNDS TO CARRY OUT DIRECTIONS.

**968.** Whenever by any enactment the City, or any committee, board or official of the City is empowered to destroy or remove any building or structure after the failure of the owner thereof to comply with any order directing him to destroy or remove such building or structure, the City may, if occasion arises, borrow from any bank or from any other fund available, the money requisite to effect such removal or destruction, and Funds to remove buildings.

the building or structure or the materials thereof may be sold and the proceeds applied to defray the expenses of such removal or destruction, and any balance of such expenses remaining shall be a lien on the property or lot of land on which such building stood, and shall be added to the next yearly rates thereon and be collected along therewith and with the like rights and remedies. 1908, c. 75, s. 6.

Funds to  
carry out  
works requir-  
ed of Halifax  
Electric  
Tramway  
Company.

**969.** In any case in which in and by the Act to incorporate the Halifax Electric Tramway Company, Limited, being chapter 107 of the Acts of 1895, or in or by any Act in amendment thereof, it is provided that any act, matter or thing shall be done by the company, and that upon the default, neglect or failure of the company to do such act, matter or thing, the same may be done by the City or by any committee, board or official thereof, the City may, if occasion arises, borrow the amount of money requisite to do and perform such act, matter or thing from any bank or any fund available, and may recover the amount expended by the City in the performance of such act, matter or thing with interest thereon at the rate paid by the City on the money so borrowed from the said company by action at law in the name of the City. 1908, c. 84, s. 9.

#### FENCE VIEWERS.

Fence  
viewers.

**970.** (1.) Division line fences between lots in the City shall be made and maintained by the owners of the lots, each such owner making and maintaining an equal share of the fence.

(2.) Unless the owners of the adjoining lots otherwise agree, every division fence shall be not less than six feet in height and close boarded.

(3.) The Council, on the nomination of the Board of Control, may appoint persons to be fence viewers in each ward, and every person so appointed shall, within the ward for which he is appointed, have the powers and perform the duties specified to be had and exercised by fence viewers under chapter 93 of the Revised Statutes, "Of Fences and Impounding of Cattle."

(4.) The Council, on the recommendation of the Board of Control, may, by ordinance, prescribe the fees to be paid such fence viewers, and in the absence of such ordinance, such fee shall be one dollar for each occasion on which the services of a fence viewer are required. C. C., s. 885.

#### PENSIONS NOT ATTACHABLE.

Pensions not  
attachable.

**971.** No amount payable by the City to any person by way of pension shall be attached, garnisheed, assigned, or subject to any order made by any court, judge, magistrate or commissioner, but such amount shall be payable to the pensioner himself and no other. C. C., s. 886.

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SUPPLEMENT.

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ORDINANCES

OF THE

CITY OF HALIFAX

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## No. 1.

## CITY SEAL AND ARMS.

1. The common seal of the City, made of silver, having City Seal. engraved on it a view of the City and the words,—

“Recte Faciendo Secura Halifax, Condita A. D. 1749,”

“Civitatis regimine donata A. D. 1841,”

shall continue to be the city seal.

2. The city seal shall be kept by the clerk.

To be kept  
by Clerk.

3. It shall be used when authorized by any law or by any city ordinance, or by direction or resolution of the Council.

When to be  
used.

4. The mayor may affix the seal to any certificate at the request of any person desiring it.

Mayor may  
affix.

5. Persons requiring the city seal to authenticate documents shall pay the City the following fees:—

Fee.

For any document to be used out of the City.....\$1.50

If to be used only within the City ..... 1.00

6. The coat of arms of the City of Halifax shall continue to be as follows:—

Coat of  
Arms.

*Arms of Adoption of Halifax, Nova Scotia.*

Azur a kingfisher on a mound or. Supporters dexter a sailor all ppr. sinister a fisherman pp. holding in the dexter hand fish of the first. Crest out of a mural crown or a mayflower all ppr.

MOTTO:—“*E Mari Mercēs.*”

## No. 2.

## RULES OF ORDER OF COUNCIL.

1. Every meeting of the Council shall be presided over—Chairman.

(a) by the mayor, if present, or

(b) by the deputy-mayor, if the mayor is absent, or

(c) if both are absent, then by such member of the Council as the members then present choose.

2. Ten members of the Council, including the chairman, shall constitute a quorum.

Quorum.

Adjournment  
if no quorum.

**3.** At the time appointed for any meeting, if ten minutes elapse without a quorum appearing, the members present shall meet and—

- (a) adjourn the council, or
- (b) extend the time for the meeting for a half hour from the hour fixed for the meeting, when, if a quorum is not present, the Council shall stand adjourned.

Majority  
present to  
decide.

**4.** All acts of the Council, and all questions and matters coming or arising before the Council may be done and decided by the majority of such members of the Council as are present and vote at a meeting held in pursuance of the City Charter, the whole number present at the meeting, whether voting or not, not being less than ten including the chairman.

Two-thirds  
vote defined.

**5.** Unless otherwise expressly provided, if any Act of the Legislature, or rule or ordinance of the City, requires any matter or thing to receive the sanction of two-thirds of the Council, it shall be deemed to mean eleven of the sixteen controllers and aldermen, irrespective of the number present at the meeting.

Minutes and  
their con-  
tents.

**6.** (1) Minutes of the proceedings of every meeting of the Council shall be drawn up and fairly entered by the clerk in a book kept for that purpose by him, and such book shall be properly indexed.

(2) Such minutes shall—

- (a) contain all resolutions and motions passed, with the names of the movers and seconders, and shall
- (b) mention reports, petitions and other papers submitted to the Council only by their respective titles, or by a brief description of their purport, except accepted reports, which shall be entered at length.

(3) The minutes of the next preceding meeting need not be read in open Council unless a member present requires it to be done in order that any mistake in such minutes may be corrected by the Council.

Amendment  
of by con-  
sent.

**7.** If there is any objection made to the minutes of the next two preceding meetings, or either of them, the member making it shall state the grounds of his objections without comment, and if the Council acquiesces, then the minutes shall be altered accordingly.

Otherwise  
motion  
required.

**8.** If all the members do not acquiesce in the proposed alteration, then a motion must be duly made and seconded to amend the minutes to meet the objections, which shall then be debatable.

**9.** The order of business at a regular meeting of the Council shall be— Order of business.

- (a) motions of reconsideration;
- (b) presentations of petitions and other papers, and their reference, if required, by the Chairman to the appropriate Board or Committee without motion;
- (c) reading and consideration of reports and other papers;
- (d) questions;
- (e) notices of motion;
- (f) motions and miscellaneous business;
- (g) consideration of deferred business.

**10.** At any meeting called for the consideration of some particular business the order of business provided by these rules shall not apply, but the Council shall proceed at once to the consideration of the particular business for which the Council was called. If there is more than one item of such business the Chairman shall designate the order in which the same shall be taken up. Not to apply to special meeting.

**11.** After such particular business is disposed of the Council may proceed to the consideration of any other business, but a motion to reconsider shall not be made, except as is hereinafter provided. General business after special disposed of.

**12.** Every petition, memorial or other document submitted to the Council shall be presented by some member who shall examine the same before presenting it, and endorse the same with his name, and be answerable that it does not contain any impertinent or improper matter, and is respectful and proper in its language. Members responsible for papers submitted.

**13.** Every document intended to be submitted to the Council must be plainly printed or written and signed by at least one person. Paper to be in writing.

**14.** It shall not be necessary to read otherwise than by title any petition, memorial or other paper when first submitted, or any report or other document of which a copy has been furnished to the members, unless the Chairman directs, or not less than three members request, that it shall be read in full. How read.

**15.** The clerk shall prepare a list of all deferred business, including any notice of motion to reconsider, or any other motion of which notice has been given, and a copy of such list shall be furnished to each member. The Council, by a majority Deferred business.



vote, may at any time direct that any item of deferred business, except one the consideration of which has been deferred to a specified time, may be taken up.

Outsider  
heard by  
consent.

**16.** No person not a member shall be heard without permission of the Council.

Orderly  
conduct of  
debate.

**17.** Any member when about to speak shall rise and address himself to the Chairman. He shall confine himself to the question under debate, and avoid personalities, and not refer to any member of the Council except in a respectful manner.

Chairman  
to decide  
right to  
speak.

**18.** If two or more members rise at the same time the Chairman shall decide which shall be heard.

Length of  
speeches.

**19.** No member shall speak longer than ten minutes at one time or more than twice on any motion, and once on any amendment thereto, and any member speaking after an amendment has been moved shall be deemed to be speaking to the amendment.

Interruptions  
prohibited.

**20.** No member shall rise from his seat except for the purpose of addressing the chair, or shall interrupt any member while speaking, except to ask an explanation, or ask leave to explain, or to take a point of order.

Point of  
order.

**21.** The chairman may call any member to order at any time, and any member may raise a point of order.

Debate to  
cease until  
point deter-  
mined.

**22.** If a member when speaking is called to order, he shall, subject to his right to discuss such point, take his seat until the point has been determined.

Leave to  
explain.

**23.** Any member may, with the permission of the chairman, have leave to explain, but any remarks so made shall be strictly confined to the explanation desired, and shall not be of a controversial character.

Opinion of  
solicitor on  
point of  
order.

**24.** Any member may, through the chair, request the opinion of the Solicitor on any question of order before the meeting.

Chairman to  
to decide  
question  
of order.

**25.** The chairman shall decide all points of order, and may state his reasons for any such decision.

Member  
violating  
order and  
decorum.

**26.** If any member uses insulting or improper language to the chairman or any member and refuses to apologize when so directed by the chairman, or wilfully obstructs the conduct of business and refuses to desist when called upon so to do by the chairman, he may be ordered by the chairman to retire from the Council for that meeting, and if he refuses so to do

he may, on the order of the chairman, be removed from the meeting by the police. Any member so removed, on making an apology to the chairman and to any member insulted by him, may by a vote of the Council be permitted to resume his place.

**27.** An appeal shall lie to the Council from any decision of the chairman on a point of order, or ordering a member to retire from the meeting then in progress. Such appeal shall be submitted by the Clerk to the Council by the question—*Appeal to Council from chair.* Shall the decision of the Chair be sustained—and shall be decided without debate. The chairman shall be guided on the point by the vote on such appeal and rule accordingly.

**28.** Any person interfering with the business of the Council or acting in a disorderly manner may, upon the order of the chairman, be removed from the Council room or the City Hall by the police. *Removal of disorderly persons.*

**29.** Except as to minor observations on any matter before the Council, or when stating his reasons for deciding a point of order, or for giving his casting vote, the chairman shall not take part in any discussion without leaving the chair. In such case the chair shall be filled while the chairman is taking part in the discussion by the Deputy Mayor, or if the Deputy Mayor is absent, by a member requested by the chairman to take the chair. A chairman who has left the chair to take part in a debate shall be subject to the regular rules of order. *Chairman not to take part in debate.*

**30.** When a question is regularly under debate, no other question or motion shall be entertained until it is decided, except it is— *Amendment and dilatory motions.*

- (a) a motion in amendment of the original motion;
- (b) a motion to refer the question, including the motion and amendment, if one is moved, to any board or committee;
- (c) a motion to defer the consideration of the question, either indefinitely or to some time named;
- (d) a motion to close the debate at a specified time;
- (e) a motion that the question be now put;
- (f) a motion to adjourn.

**31.** When any one of the motions enumerated in the next preceding section has been made as an amendment to the original motion, no other motion may be made as an amendment, either to the original motion or the amendment, until after such amendment has been disposed of, except a motion— *Amendments limited.*

- (a) to refer the matter to a board or committee;
- (b) to postpone the consideration thereof;

- (c) to close the debate at a specified time;
- (d) that the question be now put, or
- (e) to adjourn;

any one of which may be moved either to the original motion or to any amendment thereof.

Certain motions to be put without debate.

**32.** A motion—

- (a) that the debate be closed at a specified time, or
- (b) that the question be now put, or
- (c) to adjourn,

shall be put to the question without further amendment or debate, but a motion that the question be now put shall not be put until after every member who has spoken on the question and claims a right to speak has been heard.

Previous question.

**33.** A motion that the question be now put, until it is decided, shall preclude all amendment of the main question, and, except as in the next preceding rule provided, shall be put, without debate, in the following words: "That this question be now put"; If this motion is resolved in the affirmative, the original question shall be put forthwith, without any amendment or debate; but if such motion is resolved in the negative, the main question may then be debated and amended.

Motion to adjourn always in order.

**34.** A motion to adjourn shall always be in order, except when a member is addressing the chair.

Members not to vote when personally interested.

**35.** No member of the Council shall be permitted to vote or speak upon any question before the Council, or before any board or committee, where his private interest is immediately concerned, distinct from his public interest, or where he is personally, directly or indirectly, interested, or where he is the solicitor, counsel or agent for any person or company interested in such question.

Every member to vote except chairman.

**36.** Every member, except the chairman, present when a question is put, shall vote upon it, unless disqualified by interest or otherwise, or unless the Council for special reasons excuses him. Application to be so excused on any question must be made before the chairman proceeds to put the question, and such application shall be accompanied by a brief statement of the reasons, and shall be decided without debate.

Members not to leave meeting.

**37.** No member shall leave the Council before the close of any meeting without the permission of the chairman.

Motion required.

**38.** No question shall be debated or voted on unless a motion in respect thereto has been moved and seconded.

**39.** The chairman may require that any motion shall be reduced to writing and signed by the mover and seconder before being debated. To be put in writing if required.

**40.** Any member may require the division of any question when in the opinion of the chairman, or on appeal in that of the Council, the sense will admit of it. Division of question.

**41.** No debate shall be allowed on any motion of adjournment, or upon a motion that the question be now put, or on a motion to reconsider, or for leave for any person to address the Council, or to change or suspend the order of business, or to speak more than the prescribed number of times. No debate on certain motions.

**42.** Before putting any question to vote the chairman shall state the same clearly and ask the Council if it is ready for the question, provided that in any matter on which there has been no discussion the chairman may ask if there is any objection to the resolution, and, if none is made, declare the motion carried. Question—how put.

**43.** Every question shall be decided by a vote of yeas and nays, and the chairman shall state whether in his opinion the motion has been carried or defeated, but any two members may call for names on the division in which case the vote of each member shall be taken and recorded in the minutes, and the question decided accordingly. Decision of question—names.

**44.** The chairman shall not vote except in the event of an equality of votes, when he shall give a casting vote, and may, before doing so, give his reasons therefor. Chairman to have casting vote only.

**45.** If the chairman is of opinion that any motion, of the moving of which notice has not been given, is of such a character or importance that discussion should not proceed without opportunity for further information or consideration, or if three members object to the immediate consideration thereof, the chairman shall direct that the motion be put in writing and that the consideration thereof be deferred until a subsequent meeting, in which case such motion shall operate as a notice of the motion. Postponement of consideration.

**46.** Subject to the provisions of the next preceding rule, any member may at any time move that the order of business be suspended to permit him to introduce a motion, and the Council by a majority vote may grant such permission. Suspension of order of business.

**47.** When a motion has been moved and seconded it cannot be withdrawn, except by the leave of the Council. Withdrawal of motion only by consent.



Reading of  
motion.

**48.** Any member may have the motion under discussion read at any time during the debate on the same.

No debate  
while vote  
being taken.

**49.** After the chairman has asked the Council if it is ready for the question and has begun to take the vote no member shall be permitted to speak while the vote is being taken.

Reconsidera-  
tion.

**50.** After any matter has been decided in the affirmative, any member may, at the meeting at which the same was decided, give notice of reconsideration thereof, and at the next meeting of the Council (other than a meeting specially called for the consideration of a particular item of business) immediately after calling the roll and before any other business is considered, the giver of such notice, or in his absence any other member on his behalf, may briefly state his reasons for reconsideration, and if the motion to reconsider is seconded, the same shall then be put to vote without further debate and, if carried, the question so reconsidered shall then be read and disposed of.

None in cer-  
tain cases.

**51.** No motion of reconsideration shall be in order in respect to any motion.

(a) which has been carried by a two-thirds vote of the whole Council, or

(b) confirming any report or recommendation of the Board of Control.

No second  
reconsidera-  
tion.

**52.** If the motion to reconsider is not made at the time so fixed, or if the Council refuses to reconsider, or if after reconsideration the question is again decided in the affirmative, no other motion to reconsider or rescind, or to reconsider the motion refusing to reconsider or rescind, can be made within the civic year, except with the unanimous consent of the members of the Council present.

Reconsidera-  
tion at special  
meeting.

**53.** If the next meeting of the Council, after a notice of reconsideration, is one called for the consideration of a particular item of business, a motion of reconsideration may, with the consent of two thirds of the members present, be made at such meeting immediately after the completion of such particular business, or may at the option of the giver of the notice be made at the next meeting called for the transaction of general business.

Reconsidera-  
tion not to  
delay busi-  
ness.

**54.** A notice of motion to reconsider or rescind shall not have the effect of delaying or impeding any action necessary to give effect to any resolution unless the Council otherwise orders. A motion to stay proceedings on such resolution pend-

ing the consideration of any such notice may be made by the giver of the notice together with such notice, and, if seconded, shall be put to vote at once without debate.

**55.** When a motion has been resolved in the negative it shall not be again brought before the Council, except by the consent of two-thirds of the whole council, until two months have elapsed, and if again resolved in the negative, shall not again be brought before the Council until the expiry of the civic year.

Defeated motion—reconsideration of.

**56.** No motion to rescind any resolution of the Council shall be made unless notice of the intention to move the same has been given at a meeting of the Council previous to that at which the same is moved.

Notice required of motion to rescind.

**57.** For the purpose of eliciting information in respect to any matter relating to the business of the City any member may, at the time appointed by the order of business, put any question to any official of the City or member of any board or committee, but any such question shall be stated simply and concisely without comment, and shall be reduced to writing if the chairman so directs, and no debate shall be permitted on the answer thereto, or any comment, except an explanation of the question if it has been misunderstood.

Eliciting information.

**58.** When the consideration of miscellaneous business is reached the chairman shall have precedence in bringing before the Council such matter as he deems expedient.

Chairman to have precedence as to miscellaneous business.

**59.** If any question arises not provided for by the foregoing rules the same shall be decided according to the practice of the House of Assembly of the Province

Practice of House of Assembly.

**60.** Any of the foregoing provisions may be suspended in its operation by the unanimous consent of the members present at any meeting.

Suspension of rule by unanimous vote.

### No. 3.

#### THE CITY AUDITOR.

**1.** It shall be the duty of the auditor—

Duties of Auditor.

(a) to audit, inspect, check and correct all the books, accounts, receipts and expenditures of and relating to the City, including the board of school commissioners, the exhibition commission, the treasurer, the collector, the clerk, the inspector of liquor licenses, and every other committee, board or person entrusted under the law or by the Council with the receipt or expenditure of city moneys;

- (b) to ascertain whether any such expenditure has been made by authority of law;
- (c) to report to the Council upon each and every item of expenditure or increase, or part of the same, which is not authorized by law, or which could only be made by or under the authority of the Council, and has not been so made or authorized;
- (d) to supervise all of the financial business of, and connected with, the corporation of the City; and
- (e) to perform such other duties appertaining to his office as the Council from time to time requires.

Collector's  
office audited  
monthly.

**2.** (1.) The auditor shall, once at least in each month, ascertain, audit and check the sums collected by the collector for rates and taxes, comparing the same with the tax notices, and also all other sums collected by him, checking the same with the vouchers therefor.

(2.) He shall ascertain if such sums so collected have been paid over by the collector to the treasurer, and if so, shall give such collector a certificate to that effect, specifying the amounts so paid over.

(3.) He shall ascertain whether such sums, as well as all other sums received by the treasurer, have been paid into the appropriate bank dealing with the City, and are credited in the bank pass book.

Account of  
appropriation  
to be kept.

**3.** (1.) He shall obtain from the clerk a certified statement of the annual appropriations as soon as they are passed by the Council, and shall open, in an appropriate ledger to be kept by him for that purpose, an account for each of such appropriations.

(2.) All warrants drawn for the payment of money shall be certified by him before being paid, and shall be charged in deduction from the proper appropriation, but no warrant for the payment of money shall be certified by him unless the payment is authorized by law.

(3.) The treasurer shall not pay any warrant unless the same is certified by the auditor.

Certification  
and payment  
of accounts.

**4.** (1.) Every account authorized by any committee, board or official, shall be submitted to such committee, board or official to be passed, and if passed, shall be certified as correct by the chairman and submitted to the Council for approval of payment.

(2.) The amount thereof so passed and approved and certified by the clerk shall be paid by means of a warrant to

the treasurer, to be drawn by the clerk and signed by him and the mayor.

(3.) No warrant shall be signed by the mayor or clerk until the auditor first certifies as to the correctness of the account for which it is drawn, and that there are funds out of which it may be properly paid.

(4.) Every warrant shall have the account for which it is drawn attached thereto before the same is certified, and the receipted account shall be filed by the auditor in his office as a voucher.

5. Notwithstanding anything contained in this ordinance, Pay List. every pay list of the Board of Control for work done for the City, at the instance of that Board, shall be passed and paid on being certified by the mayor, if such pay list is in accordance with the appropriation.

6. (1) The auditor shall, at least once a month, and oftener if required so to do, make a personal inspection of the books and accounts kept by all officers of the corporation who are charged in any manner with the receipt of, or collection of, city moneys. Books of officials to be inspected and checked.

(2.) He shall see that such books and accounts are well and correctly kept.

(3.) He shall carefully examine and check all returns made by such officers, and shall, if they are found correct, certify the same with his initials.

(4.) He shall require of all such officers in receipt of city moneys that they shall furnish, as often as is deemed necessary by the Board of Control, reports of such moneys, with vouchers, to the treasurer.

7. If any such officer refuses or neglects to make an adjustment of his accounts when required so to do by the auditor or to pay over any city moneys received by him the auditor shall thereupon, by a notice addressed to such officer, require him to make an immediate adjustment of his accounts and to pay over to the treasurer any city moneys in his hands, and in case of refusal or neglect so to do on the part of such officer, the auditor shall make a report of his refusal or neglect to the mayor, who shall forthwith suspend him from office. Refusal of official to adjust or pay.

8. The auditor shall, at the end of each month, compare the cash in the treasury with the balance in the general cash book, and shall credit to any appropriation any moneys received by the treasurer on account of that appropriation, otherwise than from taxation, since the auditing of the previous month. Cash to be checked.



Report,  
abstracts,  
etc.

**9.** (1.) The auditor shall annually prepare a full and accurate report of the financial condition of the City.

(2.) He shall, whenever required so to do, furnish the mayor, the Board of Control, the Council, or any committee or board, or the treasurer, with abstracts of any books, accounts, records, vouchers, or documents in his office, or any information in relation to anything pertaining to his office or to the revenue of the City.

(3.) He shall at all times permit the mayor, the Board of Control, any member of the Council, the clerk, the treasurer, or any other officer of the City who is interested, to examine any books, papers or documents appertaining to his office.

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#### No. 4.

### STREETS.

#### OPENINGS IN STREETS.

Permits.

**1.** Every person to whom any permit is granted to make any opening or excavation in any street, shall first deposit with the treasurer the sum of five dollars, the receipt for which shall be delivered to the engineer before the permit is issued. Such deposit shall be retained as a guarantee that the applicant will properly perform and complete the work for which the permit is granted, and keep the surface of the street where such work is done in good condition, to the satisfaction of the engineer, for six months from the date of the permit. If the engineer is of opinion that the work is not being properly performed, or the surface of the street not kept in good condition, he may, without notice to the applicant, perform such work in respect to the street as he considers necessary, and the cost of any such work so done by the engineer shall be deducted by him from the amount deposited, and the balance (if any) returned to the owner at the end of the six months. If the cost of such work exceeds the amount deposited, the balance may be recovered from the applicant by the City by action.

Emergency  
permits.

**2.** The engineer may issue to any gas company or other company, for a case of emergency, an emergency permit, which shall permit excavation to be made on such conditions as the engineer specifies on the permit.

Excavation  
under side-  
walk to be  
closed.

**3.** Every excavation under a sidewalk shall, after one week's notice to that effect, given by the Board of Control, be closed and filled up by the owner or occupier of the premises

abutting on such sidewalk, and if not so closed and filled up within ten days after such notice, may be closed and filled up by the Board of Control at the expense of the owner or occupier.

4. Every person obtaining a permit to make any excavation or opening in or near any street, shall at night sufficiently and continuously light the same, and shall, in addition, enclose or secure the same by a fence or barrier at least three feet in height, and sufficient to protect the public from injury. Lights at excavations.

5. No person shall make any permanent excavation under the surface of any street, the movable covering of which extends further into the street than to a line three feet from the street line, and then only by permission in writing from the engineer, and on such conditions as he names in the permit:—Provided, however, that coal hole tops may be located near the curb and that transparent coverings used for purposes of lighting only and permanently secured may extend five feet from the street line. Permanent excavations.

6. The owner of the property in front of which any permanent excavation is made shall pay to the City therefor on the first day of May in each and every year an annual rental of four cents per square foot of such excavation. Rentals for same.

7. No person shall build or place any movable trap or door in any street for the purpose of entrance to a cellar, or other premises, without first obtaining the permission of the Board of Control on the recommendation of the engineer. Cellar traps.

8. No person shall make any opening in any street for the purpose of a coal hole or other receptacle, or for light or air, or for entrance to any building or other purpose whatever, without a permit from the engineer, and upon the terms set out therein, and such permit shall be exhibited on request to any police officer, or to any other person authorized by the engineer, in writing, to demand inspection of the permit. Permits for coal holes, etc.

9. The engineer may, upon the application of any person, construct any coal hole, grating, or other aperture, in any sidewalk in such manner and of such material as he deems suitable, and the cost thereof shall be paid by the applicant. Engineer may construct.

10. No person shall place or maintain a grating in any street unless the location, plan and material thereof have been approved by the engineer. Gratings.

11. No person shall maintain any entrance to any property by steps descending immediately from or near to a street, unless the same is securely guarded. Steps.

Apertures to  
be guarded.

**12.** (1.) Every owner or occupier of any building having connected therewith any aperture in any street, shall keep such aperture securely covered or guarded in such manner and with such material as the engineer directs, and every such cover or guard shall be constantly kept on a level with the sidewalk and in good repair, and every such aperture shall be kept closed except when in immediate use, and such use shall be only in the day time; and such aperture when open shall be in charge of some competent person to warn passers by.

(2.) If any such owner or occupier fails to keep any such aperture securely guarded and in good repair, and level with the sidewalk, the Board of Control may, at its option, close the said aperture, or may put the same in good condition and repair, and the cost of so doing may be recovered from him by the City by action, and in addition thereto, he shall be liable to a penalty as hereinafter provided.

Penalty.

**13.** Every person who contravenes or fails to comply with any of the foregoing provisions of this ordinance with respect to openings in streets, shall, for each such offence, be liable to a penalty not exceeding fifty dollars and in default of payment, to imprisonment for a period not exceeding one month.

#### OBSTRUCTIONS ON STREETS.

Encumbrances, etc.,  
prohibited.

**14.** Except as is by the city charter or this ordinance otherwise provided, no person shall place, or cause to be placed, any encumbrance or obstruction upon any street whereby the public are prevented from the free and uninterrupted use of the same.

Closing  
streets.

**15.** The Board of Control may temporarily close any street, or part thereof, while any work is being done thereon, or when it is advisable for other reasons to close the same, and may, for that purpose, erect bars or other impediments to traffic.

Penalty.

**16.** Whenever the Board of Control puts up any bars or fences to close any street for any purpose, no person shall interfere with the same, or travel or attempt to travel, or drive any vehicle along the street so closed, without permission of the engineer, and every person who so travels or attempts to travel, or drives any vehicle, shall be liable to a penalty as hereinafter provided.

Porches, bay  
windows, etc.

**17.** Except as is hereinafter otherwise provided, no person shall place on any street any step, porch, bay window, balcony, fence, railing, or other structure which in any way encroaches on such street, and any such structure so placed shall be removed by the owner of the property to which the same is attached

within ten days after notice to that effect from the engineer, and on failure to make such removal, the engineer shall remove the same, and the cost of removal may be recovered from such owner by the City by action and in addition, the owner shall be liable to a penalty as hereinafter provided.

**18.** No person shall remove, or cause to be removed, any <sup>Moving buildings.</sup> building upon any street without having first obtained permission in writing of the engineer, and such permission shall be upon such terms as the engineer determines.

**19.** Any person may, by permission of the engineer, <sup>Building materials and enclosures.</sup> place on any street materials for building, and erect an enclosure to protect the same, and may continue such enclosure for such period as the engineer directs. Every person placing such material, or erecting such enclosure, without such permission or otherwise than as therein directed, or continuing the same for a longer period than therein prescribed, or after being directed to remove the same, shall be liable to a penalty as hereinafter prescribed.

**20.** Every person receiving a permit to occupy part of a <sup>Passage round same.</sup> street for building purposes, or for repairing any building, or making any excavation, or for any other purpose, shall provide a safe and convenient passage around, under or over the obstruction so placed, and shall be responsible for any injury sustained by any person in consequence of his neglect so to do,, and shall at any time, when requested by the engineer, exhibit his permit to make such obstruction or excavation.

**21.** Any person may, by permission of the engineer, erect <sup>Scaffoldings.</sup> a scaffolding for repairing any building or other purpose connected with any building. Such permission shall be in writing, and shall specify the terms and conditions on which such scaffolding may be erected and the period for which it may be continued. Every person who erects any scaffolding without having first obtained such permission or otherwise than as is therein directed, or continues the same for a longer period than is therein prescribed, or after being directed to remove the same, shall be liable to a penalty as hereinafter prescribed.

**22.** No person shall place or maintain any sign post, or <sup>Sign posts, etc.</sup> sign, which extends over any street.

**23.** No person shall place or maintain any awning which <sup>Awnings.</sup> extends over any street, unless a plan of the same is first submitted to and approved by the Board of Control on the recommendation of the engineer; and the Board may at any time revoke such permission. No such awning shall be less than



seven feet from its lower edge above the street. If the owner or occupier of any premises upon which any such awning has been placed without such permission and approval, fails to remove the same after fourteen days' notice from the Board, the Board may cause the same to be removed. Any person placing any such awning without such permission and approval, or failing to remove the same when so directed, or obstructing any civic official removing the same, or any projecting sign-post or sign shall be liable to a penalty as hereinafter provided.

Goods for  
sale.

**24.** No person shall place upon any street for sale or show any goods, wares, or merchandise, or any sign-board or advertising board.

Goods  
suspended.

**25.** No person shall place or suspend, or expose from any building, any goods, wares or merchandise so that the same extend from the wall of such building more than six inches towards or into any street.

Obstructing  
streets.

**26.** No person shall place on any street any article, or permit the same to remain thereon, so as to obstruct the free passage of such street for a longer period than is necessary to remove the same to or from any building or premises fronting on such street.

Firewood.

**27.** Firewood may be sawn within one-half the space between the sidewalk and the centre of the street. The wood shall be removed as fast as it is sawn, and the sawdust removed without delay.

Penalty.

**28.** Every person who contravenes or fails to comply with any of the foregoing provisions of this ordinance in respect to obstructions on streets, shall, for each offence, be liable to a penalty not exceeding ten dollars, and in default of payment to imprisonment for a period not exceeding ten days.

#### MAINTENANCE AND CARE OF STREETS.

Vehicles, etc.  
prohibited on  
sidewalks.

**29.** (1) No person shall intentionally and unnecessarily drive any vehicle upon a sidewalk, or roll or place any heavy article over the same, to the injury or obstruction thereof.

(2) Where any sidewalk has been partly covered with sod by the City, no person shall walk upon the part of the sidewalk so covered.

(3) Where any sidewalk has been in part covered with sod, the occupier of the premises adjoining such sidewalk, or if the property is not occupied the owner thereof, shall keep the part of the sidewalk so sodded close clipped, clean and in good order.

(4) The person in charge of any horse shall not permit such horse to go upon any sidewalk or any portion of a street so covered with sod.

**30.** Whenever any sidewalk has been broken or otherwise injured in consequence of the erection of any building, or any repairs to a building, the engineer may serve notice in writing upon the owner of the building requiring him to repair such injury within forty-eight hours from service of the notice; and if the owner fails to make such repairs within such time, the engineer may cause the same to be done at the expense of the owner, and the cost thereof may be recovered by the City by action. Injuries to sidewalks.

**31.** No person shall dump, unload, deposit or move any coal or heavy article upon any concrete or asphalt sidewalk unless such sidewalk has been first protected by boards not less than one inch thick, and placed close together over the surface where such coal or heavy article is to be deposited. Coal, etc., not to be dumped on sidewalks

**32.** Every occupier of any premises shall keep the sidewalk and gutter in front of the same free from dirt and nuisance of every description. Gutter to be kept clear.

**33.** No person shall distribute any hand bills or other papers by scattering the same on any street.

**34.** No person shall cart or transport in any way, on any street, any sand, stone, earth, dirt, manure, or rubbish, or any loose fluid or semi-fluid in such a manner that any portion of the same may be spilled or scattered on the street, and no person shall draw on any street any timber or other heavy article in such a way that the same, or any part thereof, drags on the street. Hand bills. Transportation of rubbish and timber.

**35.** No person shall slake, riddle, mix with sand, or otherwise prepare lime on any street, except by permission in writing from the engineer. Lime not to be slacked.

**36.** No person shall, on any street, raise or hoist any goods into any door or window of any upper storey, or lower or throw down any goods from such door or window. Hoisting goods.

**37.** No person shall deposit any paper, shavings, or other waste material, ashes, garbage, or rubbish of any description upon any street except in a barrel, box, or other receptacle, so as to prevent the same being scattered, there to remain until removed by the ash carts. No such barrel, box or other receptacle shall be placed in the street otherwise than at the edge of the sidewalk nearest the gutter at any time after the time at Depositing garbage.

which, by direction of the Board of Control, the ash carts are to call for the same. No such barrel, box or other receptacle shall be filled higher than four inches below water level.

Lowering  
shingles, etc.

**38.** No person shall throw any shingles, boards, slates, sand, gravel, tar, or other material whatsoever from any roof or scaffolding upon any street, but the same shall be lowered in chutes, or by a tackle, in such a manner as not to affect the safety and convenience of the public.

Washing  
windows.

**39.** No person shall wash any window or sprinkle any sidewalk with water after eight o'clock in the morning, and no occupier of any house or any building shall permit the same to be done.

Gutter  
bridges.

**40.** No person shall construct across any drain, gutter or watercourse on any street a bridge of any description without having first obtained a permit in writing therefor from the engineer, specifying the nature of the bridge and the other terms and conditions on which the same may be constructed. A permit to construct any such bridge may be refused in any case in which a curb and gutter have been placed in front of the premises intended to be reached by the bridge, and any bridge at any time constructed may be directed by the engineer to be removed when a curb and gutter have been so placed.

Penalty.

**41.** Every person who contravenes or fails to comply with any of the foregoing provisions of this ordinance with respect to the maintenance and care of streets, shall, for each offence, be liable to a penalty not exceeding ten dollars, and in default of payment, to imprisonment for a period not exceeding ten days.

#### HORSES, CATTLE, SHEEP, AND VEHICLES.

Driver to  
remain by  
vehicle.

**42.** The driver or other person in charge of any vehicle conveying goods or merchandise, or other material, through any street, shall remain on such vehicle while it is in motion, or walk beside the horse or other animal drawing the same.

Immoderate  
speed.

**43.** No person driving any vehicle, or riding upon any horse, shall so drive or ride at a gallop or other immoderate speed, and every person so driving or riding shall slacken his speed when approaching any crossing for foot passengers upon which any person is crossing. No person shall permit any horse or other animal to run at large or stand in any street without being sufficiently secured to prevent its running away.

Horses, etc.,  
not to go on  
sidewalks.

**44.** No person shall ride, drive, lead or back any horse or other animal, or any vehicle, or wheel any hand cart, wheelbarrow, bicycle or other vehicle over or along any sidewalk except when crossing the sidewalk to enter any premises.

**45.** No person shall break in or train any horse on any street, or shall exhibit any stallion on any street, or shall let any stallion to any mare on any street, or within six hundred yards of any dwelling house. Training horses—stallions.

**46.** No person shall permit his horse or other animal, or any vehicle, to stand or remain upon any street for a longer time than is necessary for the owner or other person using the same to transact his business at the premises opposite which such horse or vehicle is so standing or remaining, and no person shall tie his horse or other animal in any way across any sidewalk or crossing so as to obstruct the public, or shall leave any vehicle standing opposite the door or gateway of premises belonging to any person other than the person with whom the owner of the vehicle has business; and no person shall in any way obstruct the free and uninterrupted use of any street, or sidewalk or crossing, or any approach to a wharf, by stopping any horse or other animal or any vehicle across such street or approach, or in any other way. Horses not to stand on street.

**47.** No person shall place any vehicle unattached to a horse or other animal upon any street, and no owner of a vehicle shall permit the same to be so placed. Vehicles not to be left on street.

**48.** No person shall drive any cattle or sheep in any street unless the same are led by halter or rope by some person having control over the same, or unless a sufficient number of persons are in charge of such cattle or sheep to prevent their straying upon the street. Cattle.

**49.** No person shall fasten any horse or other beast to any tree on any street. Horses not to be fastened to trees.

**50.** No vehicle on runners shall be driven within any part of the City unless there are attached to the harness of each horse, or other animal drawing the same, one large open bell or four good round bells. Bells for sleighs.

**51.** Every carriage shall be so driven as to leave the centre of the road on the driver's right hand side. Left side to be taken.

**52.** No vehicle shall stop or stand nearer than 18 inches to the centre of the street. Stopping vehicles.

**53.** Every carriage driven at night on any street shall have two lighted lanterns. Lanterns.

**54.** No vehicle shall stop or stand on any street crossing. Not to stop on crossing.

**55.** No vehicle shall be cleaned or washed on any street. Washing vehicles.



Vehicles not  
to obstruct  
public places.

**56.** No vehicle shall stop or stand in any street directly opposite to or in front of any building or place opening on such street in which persons are about to congregate, or have congregated, for any purpose of devotion, public or private business, information, amusement, recreation or other lawful object. Every vehicle requiring to stand near such place, or approach thereto, shall stand in such place or approach thereto in such manner as is prescribed by any regulations made by the Board of Control, and in default of such regulations, in such place and manner as are prescribed by the person, for the time being, having the control of such building or place, or by any police officer on duty there.

Tram car  
standing still.

**56A.** No driver of any vehicle shall pass or attempt to pass any tramcar on the left side thereof when such tramcar is standing still.

Use of  
siren.

**56B.** For the purpose of warning or otherwise, no owner or driver of any motor vehicle shall make use of any siren, or other similar contrivance or device emitting or producing any sound resembling or likely to be confused with the siren, or other contrivance or device used for such purposes on apparatus or vehicles used by the fire department.

Fire appar-  
atus to have  
right of way.

**56C.** On any alarm of fire the driver of every vehicle on the street traversed or to be traversed by any fire engine or other fire apparatus shall immediately draw or turn to the nearest side or curb so as to leave a clear path for the passage of such apparatus through the street.

Danger of  
collision.

**56D.** Every driver of any vehicle shall, on seeing danger of collision with any other vehicle, animal or person, or on receiving any warning, signal, or command from any person, or the driver of any vehicle, requiring him to stop on account of any danger to any person or vehicle, stop immediately, and not proceed again until all danger has passed, and in every instance the driver of any vehicle shall immediately stop when required by any police officer, and place his vehicle in such position as the officer directs.

Penalty.

**57.** Every person who contravenes or fails to comply with any of the foregoing provisions of this ordinance with respect to horses, cattle, sheep, and vehicles, shall, for each such offence, be liable to a penalty not exceeding ten dollars, and in default of payment, to imprisonment for a period not exceeding ten days.

## REMOVAL OF SNOW AND ICE

**58.** The City shall remove the snow from the sidewalk, Snow district. pathway and gutter in front of any building or premises owned and occupied by the City, and situated within the City within the following limits, viz:—Beginning at a point on the shore of the harbor of Halifax, and on the north line of Owen street; thence westwardly by the north line of Owen street to the centre line of Pleasant street, thence northwardly along the centre line of Pleasant street to the centre line of Inglis street; thence westwardly along the centre line of Inglis street to the centre line of Tower road; thence northwardly along the centre line of Tower road to the centre line of South street; thence westwardly along the centre line of South street to the centre line of Seymour street; thence northwardly along the centre line of Seymour street to the centre line of Coburg road; thence eastwardly along the centre line of Coburg road to the centre line of Robie street; thence northwardly along the centre line of Robie street to the centre line of Spring Garden Road; thence eastwardly along the centre line of Spring Garden Road to the centre line of South Park street; thence northwardly along the centre line of South Park street to the centre line of Sackville street; thence eastwardly along the centre line of Sackville street to the centre line of Brunswick street; thence northwardly along the centre line of Brunswick street to the centre line of Cogswell street; thence westwardly along the centre line of Cogswell street to the centre line of North Park street; thence northwardly along the centre line of North Park street to the centre line of Cunard street; thence westwardly along the centre line of Cunard street to the centre line of Robie street; thence southwardly along the centre line of Robie street to the centre line of Quinpool road; thence westwardly along the centre line of Quinpool road to the centre line of Windsor street; thence northwardly along the centre line of Windsor street to the centre line of North street; thence eastwardly along the centre line of North street to the centre line of Kempt road; thence northwardly along the centre line of Kempt road to the centre line of Macara street; thence eastwardly along the centre line of Macara street to the centre line of Gottingen street; thence northwardly along the centre line of Gottingen street to the centre line of Young street; thence eastwardly along the centre line of Young street to the shore of the harbor of Halifax; thence southwardly along the shore of the harbor of Halifax to the place of beginning; including the properties on both sides of Pleasant street, Inglis street, Tower road, South street, Seymour street, Coburg road, Spring Garden road, Quinpool road, Windsor street, North Street, Kempt road, Macara street, Gottingen street and Young street; and also including the properties on both sides of Allen street, Lawrence

street, and Duncan street, within five hundred feet of Windsor street, and also of Carleton street from Spring Garden road to the northern termination thereof.

Occupiers to  
remove snow.

**59.** Within the limits mentioned in the next preceding section the occupier of any premises shall remove the snow from the sidewalk, pathway and gutter in front of the same. In the case of any unoccupied lot, the snow shall be removed by the owner or person having charge of the same.

Wide  
sidewalks.

**60.** If the sidewalk is of greater width than twelve feet, it shall not be necessary to clean a space wider than ten feet from the front line of the property, exclusive of the gutter.

Time for  
removal.

**61.** The snow which falls or accumulates during the day (except Sunday) before four o'clock in the afternoon, shall be removed within two hours after the same has fallen or accumulated. The snow which falls or accumulates on Sunday, and after four o'clock of the afternoon and during the night on other days, shall be removed before ten o'clock on the following morning.

Snow from  
roofs.

**62.** No person shall throw into any street the snow from the roof of any building, without proper precautions to prevent injury to persons on the street, and any snow so thrown shall be properly levelled on the street so as not to interfere with traffic.

And yards.

**63.** Every person who removes any snow from any yard or other premises on to any street, shall properly level the same so as not to interfere with traffic.

Icicles.

**64.** No person shall permit icicles to accumulate on the eaves or gutters of any building owned or occupied by him, so as to become dangerous to persons passing on the street.

Penalty.

**65.** Every person who contravenes or fails to comply with the provisions of this ordinance respecting the removal of snow shall for every such offence be liable to a penalty not exceeding two dollars, and in default of payment to imprisonment for a period not exceeding thirty days. Every day that snow is allowed to remain after the first twenty-four hours shall constitute a fresh offence.

#### PREVENTION OF DISORDER OR IMPROPRIETY.

pictures.  
Indecent

**66.** No person shall post up or exhibit in any street any indecent or immoral placard, writing or picture, or shall put up or exhibit any picture of the human form in a nude or semi-nude condition or in what is known as "tights," or shall perform any indecent, immoral or lewd play or other representation on any street.

**67.** No person shall set, urge or encourage dogs to fight on any street. Dogs fighting.

**68.** No person shall perform rope-walking or other gymnastic or athletic feat, or assist at the same in any street. Rope-walking, etc.

**69.** Persons shall not stand in a group or near to each other in any street in such a manner as to obstruct a free passage for foot passengers, and no person shall crowd or jostle foot passengers on any street so as to cause discomfort, disturbance, or confusion. Crowding.

**70.** No person shall coast, toboggan, skate or slide on any street, and any sleigh, sled or toboggan found in use, or about to be used, for coasting or tobogganing, on any street, may be seized by any police officer and forfeited to the City. Coasting.

**71.** No person shall play football, cricket, baseball, or other game or pastime, or throw stones or snowballs on any street. Games.

**72.** No person shall, on any street, or in any doorway, window, or other opening leading into such street, openly use any profane, obscene, lewd or lascivious language or behaviour, and any person so using such language or behaviour may be forthwith taken into custody by any police officer and taken to the police station, and there detained for not more than one hour for the purpose of identification. Inproper language.

**73.** No person shall, on any street, or in any doorway, window or other opening leading into any street, openly challenge any person to fight, or use abusive or provoking language so as to disturb any person in his shop or house, or when proceeding on the street, and any person so challenging or using such language may be forthwith arrested by any police officer. Challenging to fight.

**74.** Every person who contravenes or fails to comply with any of the foregoing provisions of this ordinance with respect to the prevention of disorder and impropriety, shall, for every such offence, be liable to a penalty not exceeding ten dollars and in default of payment, to imprisonment for a period not exceeding ten days. Penalty.



## No. 5.

## CITY ELECTRICIAN.

The duty of the electrician shall be:—

Superintendent of Fire Alarm Telegraph and other city wires.

**1.** To be the superintendent of the fire alarm telegraph system and all other electric wires and wire systems owned by the city, or on city property; to have the care of all wire apparatus, machinery, and other property connected therewith, and to keep the same at all times in good working order.

To inspect wires, etc.

**2.** To inspect the condition, insulation, attachments, construction, and arrangements of all posts and wires erected in any street or public place for the transmission of electric current, and to report any violation of the law in respect thereto.

To see lamps in order.

**3.** To cause the Halifax Electric Tramway Company, Limited, or other company having the contract for lighting the streets of the city, to keep the street lamps clean and in good order, to see that they are kept lighted at such times as the convenience of the public requires, and the contract provides, and to see that all other conditions of the contract, so far as the same relate to the duties of the electrician, are complied with.

Test for electrolysis.

**4.** To make all necessary tests when electrolysis of any pipe is suspected.

Other duties.

**5.** To perform such other duties as are imposed upon him by any other ordinance or as are required of him in respect to the work of his office by the Council, the Board of Control, the mayor or the engineer.

## No. 6.

## FIRE ALARM TELEGRAPH.

Officials not to be molested.

**1.** No person shall molest or obstruct any official or person in the employ of the City when engaged in any repair, alteration or other work in connection with the fire alarm telegraph.

No one but officials to meddle with apparatus.

**2.** No person other than such official or employee shall damage or interfere with any part of such telegraph or anything connected therewith.

Notice of alterations.

**3.** Every person who intends to make any repairs or alterations to any building with which the fire alarm telegraph is connected shall before beginning the same give not less than ten days' notice thereof to the electrician.

4. Every person who contravenes or fails to comply with any provision of this ordinance shall be liable to a penalty not exceeding fifty dollars, and in default of payment, to imprisonment for a period not exceeding one month. Penalty.

## No. 7.

### ELECTRIC WIRING AND THE USE OF ELECTRICITY.

1. No electric current shall be used for illumination, decoration, power or heating, except as in this ordinance provided. Current to be used only in conformity with ordinance.

2. Every person, firm or company desiring to instal wires or other apparatus for the transmission or use of an electric current for any of the purposes mentioned in the next preceding section of this ordinance, before commencing any electrical construction work of any kind whatever, either installing new electrical apparatus or repairing or altering apparatus already in use in any building on, over or under any street or any public or private property, shall file an application for a permit therefor with the engineer, which application shall specify in detail such material and apparatus as it is desired to use with a full description of the same, giving the location of the place where such installation is proposed, by street and number, and without a permit no such work shall be done. Permits.

3. Every such application shall be examined by the electrician and a permit shall not be issued thereupon until he reports in writing that the same should be issued. Electrician to examine applications.

4. A permit shall be valid only for the time named therein. Valid only for time named.

5. The electrician shall be notified when any work is ready for inspection, and all work must be left uncovered and convenient for examination until inspected and approved. The inspection shall be made within two working days after receipt of notice and without any unnecessary delay. Electrician to be notified for inspection.

6. The owner or occupier of any building shall not use any wires, fixtures or apparatus for carrying or using electric current until such wires, fixtures or apparatus have been finally certified as correct by the electrician. Wires, etc., not to be used before being certified.

7. No company supplying electric current shall connect its wires with wires on or in any building until a permit is obtained from the engineer for such connection. Current not to be supplied before permit.

Temporary  
permit.

**8.** The electrician may issue a temporary permit for the use of electric current during the course of construction or alteration of buildings, which permit shall expire when cancelled by the electrician.

Inspection of  
installation.

**9.** The electrician shall, whenever he deems it necessary so to do, carefully inspect any installation for which a permit is issued previous to or after its completion, and if such installation has been constructed according to the rules and regulations contained in this ordinance, he shall issue a certificate to that effect.

Preliminary  
certificate.

**10.** A preliminary certificate may be issued by the electrician in the case of completed installations, but upon which no lighting or power current will be used in the immediate future. Such preliminary certificate shall show that at the date of inspection the installation was completed in accordance with the terms of this ordinance. But before the introduction of electric current into the premises a second or final inspection shall be made, when, if the installation is still in accordance with the terms of this ordinance, a final certificate shall be issued.

Inspection of  
overhead, etc.  
wires.

**11.** The electrician shall inspect all overhead, underground and interior wires and apparatus conducting electric current for light, heat or power, and when any such wire or apparatus is found to be unsafe for life or property he shall notify the person, firm or corporation owning, using or operating the same to put the same in a safe and secure condition within forty-eight hours. Any person, firm or corporation failing to comply with such notice within forty-eight hours after the receipt of such notice shall be liable to a penalty not exceeding fifty dollars.

Emergency  
repairs.

**12.** In cases of emergency where the necessary delay in obtaining a permit would be dangerous to life or property, temporary repairs may be made without a permit, but in any such case an application shall be made for a permit within twenty-four hours after the temporary repairs have been commenced, and the application shall state the nature of the work done.

National  
Board rules.

**13.** In any work performed under the provisions of this ordinance the rules and regulations of the National Board of Fire Underwriters shall be strictly observed.

Board of wir-  
ing examiners

**14.** A board of wiring examiners is hereby constituted to consist of the city engineer (who shall be chairman of the board) and city electrician. The board shall be called together by the engineer at such times as he considers necessary.

**15.** No person shall carry on the business of interior wiring unless he is duly licensed to carry on the same and is registered as such in the office of the clerk of works. The person obtaining such license shall pay to the clerk of works the sum of ten dollars for the same. Licensed wiremen.

**16.** To entitle any person to a license under the next preceding section of this ordinance he shall be of the full age of twenty-one years and have a place of business as an electric wireman in the City, and shall agree as a condition of obtaining such license to carry on business in compliance with the rules, regulations and requirements of this ordinance. Requirements.

**17.** Every person before doing any interior wiring for or on account of himself or any licensed wireman shall be a practical and experienced wireman and furnish the board of wiring examiners sufficient evidence that he is capable of properly doing and performing interior wiring work, and if the board is satisfied of his competency to perform such work it shall cause his name to be registered in the office of the electrician, and the electrician shall give him a certificate of competency as a journeyman wireman, after which he shall be at liberty to do such wiring work, but not before. Certificated journeyman.

**18.** Every person desiring a license as a licensed wireman or a certificate as a journeyman wireman shall file a petition in writing with the clerk of works, giving the name of the applicant, and, if the applicant is applying for a licensed wireman's license, he shall state in his petition his age and place of business in the City, and such petition shall be accompanied with the bond hereinafter mentioned. Application for license.

**19.** Any change in the location of the business of any licensed wireman shall be promptly reported to the clerk of works. Change of location.

**20.** Any journeyman wireman desiring to become a licensed wireman shall first comply with these rules and regulations as to licensed wiremen, and no journeyman wireman shall do business as a licensed wireman until he has obtained a license, notwithstanding anything in this ordinance. Journeyman not to do business as licensed wireman.

**21.** Any journeyman wireman who furnishes satisfactory evidence to the board of wiring examiners that he has carried on business as a practical and experienced journeyman wireman for four years, next previous to January 1st, 1906, shall be entitled to receive registration without examination. Journeyman acting Jan., 1906.



Wiremen  
responsible.

**22.** Every licensed wireman shall be held responsible for everything done by any person in his employ in connection with the wiring work in respect to which a license is granted.

Only certi-  
fied wiremen  
to be employed

**23.** Every licensed wireman shall employ only certificated journeymen wiremen to do wiring work, but the work may be done and performed by any practical wireman under the guidance and direction of a certificated journeyman wireman then present directing the work.

Bond.

**24.** Every wireman before obtaining a license shall file a bond with the clerk of works in the penal sum of two hundred dollars, conditioned for the faithful performance of his duty as a licensed wireman, and for his not permitting any wiring work that he is called upon to do to be performed by any person in his employ, except by such persons as are authorized to do wiring work under this ordinance, and for his not violating any of the terms and conditions thereof, or any amendment from time to time made thereto.

No person  
other than  
holder of  
license to  
do work.

**25.** No person shall carry on business as a licensed wireman unless he is the holder of the license herein mentioned, nor shall any journeyman wireman do or perform any wiring construction work or repairs to wiring installations until he has obtained his certificate under this ordinance.

Cancelling.  
License.

**26.** The board of wiring examiners shall have the power at any time to cancel any wireman's license or any journeyman wireman's certificate for cause, and thereupon all rights of such wireman or journeyman wireman to do any wiring work under this ordinance shall cease and determine.

Expiry of  
License.

**27.** The license to a licensed wireman shall expire on the 30th day of April in each and every year, but it may be renewed by the board of wiring examiners, and every licensed wireman shall pay one dollar for each such renewal.

Penalty.

**28.** Every person who contravenes or fails to comply with any provision of this ordinance shall for each such offence be liable to a penalty not less than five dollars or more than eighty dollars, and in default of payment to imprisonment for a period not to exceed ninety days.

## No. 8.

## POLES AND WIRES IN THE STREETS.

**1.** In this ordinance, unless the context otherwise Interpretation requires:—

- (a) the expression “owner” means any person or company owning or operating, whether as owner or lessee, any line of poles and wires in any street;
- (b) the expression “engineer” means the city engineer;
- (c) the expression “street” includes any street, lane, square or other public place.

**2.** This ordinance shall apply to any person, firm or com- Application.  
pany constructing, maintaining or operating a line of poles and wires in any street.

**3.** The engineer shall have the supervision of all poles, Engineer to have super-  
vision.  
electric and other metallic wires erected in, upon, or over any street or public place in the City, and whenever this ordinance provides that any work, material, article or thing is to be subject to approval, such approval shall be given by the engineer, and all work must be satisfactory to him.

**4.** All wires shall be divided into two classes.

Classes of  
wires.

First:—Wires for telegraph, telephone, or other similar service.

Second—Wires for electric light, power, or other similar service.

**5.** Two lines of poles bearing conductors of a like class Two lines of  
same class  
prohibited.  
shall not be erected or permitted on any street.

**6.** Two lines of poles shall not be erected on the same side Two lines on  
same side of  
street pro-  
hibited.  
of any street.

**7.** No pole shall be erected except on a permit from the Permit for  
erection of  
poles.  
engineer, and on such conditions as he specifies in the permit, and all poles must be satisfactory to him.

**8.** Poles shall be set in the sidewalk as near the curb as Location  
of poles.  
possible, unless otherwise directed by the engineer, and shall be maintained in a position as nearly perpendicular as possible. All poles shall be erected only in such places as the engineer indicates and approves.

Material,&c.

**9.** All poles shall be of cedar or of such other material as the engineer approves, perfectly sound and good in every respect, free from defects and substantially straight from end to end. All bark must be removed above the ground line. The face or surface of each pole must be made smooth and regular either by the use of a plane or in some other approved manner, and no spurs shall be used in climbing poles. They must be of uniform height and kept in line with each other.

Sizes and painting.

**10.** No pole shall be more than eighteen inches in diameter at the ground line or less than five inches in diameter at the top. In all cases where directed by the engineer square poles shall be erected. As soon as they are placed in position all new poles erected shall receive two coats of paint in such colors as are approved, and all poles shall receive an additional coat of paint on or before the first day of June in each year.

Height.

**11.** All poles carrying more than two wires shall be of such height as approved. All poles for carrying not more than two wires shall be at least twenty-five feet in height. When directed by the engineer, or when required to clear trees, houses or other lines of wires or any other obstruction or thing which comes in close proximity thereto, poles shall be of such height as the engineer deems necessary. All poles shall be sunk to such depth as the engineer considers necessary, but no pole shall be sunk to a depth of less than five feet below the grade line of the sidewalk.

To be on one side of street.

**12.** Every line of poles must be run on one side of the street only, except when absolutely necessary to change to the other side, but such change may be made only by the permission of the engineer.

Removal.

**13.** When a pole is taken down it must be removed from the street the same day.

New poles not to be deposited

**14.** New poles must not be deposited on any street more than three days in advance of their erection.

Broken poles and wire.

**15.** All broken and dead wires, and all wires, poles and fixtures not actually in use, must be removed by the owner, unless permitted to remain by the engineer.

City may remove.

**16.** Any broken pole or dead wire that is on any street more than three days may be removed by the engineer at the expense of the company owning it after three days' notice to remove the same.

**17.** Any pole now erected or hereafter to be erected, which is deemed by the engineer insufficient in any respect, or not in accordance with this ordinance, shall be taken out and replaced to his satisfaction by the owner of such pole, and all existing poles which he considers are not required shall be removed without delay at the expense of the owner of such poles after ten days' notice

Insufficient poles.

**18.** Every line, pole, fixture, etc., must be kept in thorough order and repair and in conformity with this ordinance, under a penalty not exceeding forty dollars, but no additional poles shall be erected under cover of repairs, nor shall any route or location be changed without a permit, and no pole shall be renewed or repaired, nor shall the location of any pole be changed except upon due notice to any other company using such pole.

To be kept in repair—location not to be changed.

**19.** The location of any pole shall be changed or altered whenever deemed necessary by the engineer, and whenever the engineer orders such change of location it shall be done by the owner thereof without unnecessary delay and at his expense, or it may be done by the engineer at the expense of the owner.

Location—change of by Engineer.

**20.** The surface of sidewalks covered with brick, concrete, asphalt, flags, or other permanent material shall not be broken for the purpose of erecting, removing, repairing, renewing or altering the position of a pole without a permit from the engineer, and then only on such conditions as the engineer provides in such permit.

Sidewalk not to be broken without permit.

**21.** Every person who removes any pole shall remove every part thereof, including the portion below the grade line of the sidewalk of any street upon which the same has been erected, and shall properly fill in and replace the surface or covering of such sidewalk without unnecessary delay.

Whole pole must be removed.

**22.** The surface of the ground or pavement, wherever disturbed in the erection, renewal or removal of any pole must be restored and made good and maintained for six months to the satisfaction of the engineer, otherwise he may, without notice to the owner of the pole, make such repairs as he considers necessary in restoring and maintaining the streets, sidewalks, gutters or pavements in a neat and proper condition, and the whole cost incurred shall be paid by the person or company which occasioned the damage or expenditure.

Surface to be made good.

**23.** The dimensions of cross arms shall be as nearly uniform as possible. They shall be strengthened by braces when

Cross arms.



considered necessary by the engineer and painted the same color as the tops of the poles. The lowest cross-arm shall not be less than twenty-two feet above the ground.

Painting of  
name.

**24.** When a pole is occupied by wires belonging to more than one company every cross-arm owned or occupied by any company except the owner of the pole shall be painted or stamped with the initials of the company owning it.

Spacing of.

**25.** Cross-arms shall not be less than eighteen inches apart from centre to centre.

Pins.

**26.** On cross-arms carrying wires of the second class pins next to the post shall be spaced not less than one foot three inches on each side of the centre line of the post. The outer pins shall be spaced not less than nine inches apart from centre to centre.

Fastening  
of wires.

**27.** All conducting wires shall be fastened on poles or other fixtures with approved glass or porcelain insulators and must be stretched tightly and fastened with a tie of the same kind of wire or with approved wire.

Insulation  
required if  
four inches  
from pole.

**28.** Except at junction points, no conducting wire shall be stretched within four inches of any pole, building or other object without being attached to it and insulated therefrom.

Distance from  
pavement.

**29.** No wires shall hang within twenty feet of the pavement at the lowest point of sag between supports, except where required to reach a lamp or other connection, and must then be protected by extra insulating covering and be rigidly fixed and out of the way.

Distance be-  
tween wires.

**30.** No wire of one company shall be allowed to sag or be within fifteen inches vertically of any wire of another company.

Insulation of  
light and  
power wire.

**31.** All electric light and power conductors shall be secured to insulating fasteners and, with the exception of trolley wires, all such wires shall be covered with an insulation which is waterproof on the outside and not easily worn by abrasion. Whenever the insulation becomes impaired it must be renewed immediately, and all insulation must be satisfactory to the engineer.

Joints to be  
insulated.

**32.** All joints must be as well insulated as the conductors, and the insulation of joints must be maintained.

**33.** Day circuits must be conspicuously distinguished on each cross-arm under the insulator, and all arc lamps must be so placed as to leave a space underneath of nine feet clear between lamp and sidewalk. Day circuits—arc lamps.

**34.** All connections with lines of electric light or power conductors shall be made as nearly at right angles to the same as possible, and connections of all wires to buildings shall be run straight across the street and then down the front of the building. Except with the approval of the engineer, no wire shall cross the street at a less height than twenty-six feet above the centre of the street on any street through which the trolley wire is carried. Whenever the engineer considers it advisable wires of different companies at street intersections or other crossings shall cross on the same pole. Connections and crossings

**35.** The insulation of electric light and power wires must be preserved throughout the entire circuit, and if any part of a lamp or fixture is a part of the circuit and can be easily touched it must be insulated. Insulation to be throughout

**36.** All circuits must be frequently tested and be maintained as free from ground connections as possible. Circuits to be tested.

**37.** Where unused loops from electric light circuits are allowed to remain after lamps are taken away the joint in the loop must be as well insulated as the line itself. Loops to be insulated if unused.

**38.** The owners of poles and wires shall provide such lightning arresters or arrangements for protecting the wires from dangerous discharges during thunder storms as are directed or approved, the expense to be borne jointly by the owners interested. Lightning arresters.

**39.** No person or company shall suffer or permit any other person or company to place or keep wires on any pole or poles owned by him or it or upon the fixtures thereto attached without permission being first obtained in writing from the engineer. One company not to use pole of another without permit.

**40.** Every person or company owning poles or lines of poles, and wires on or over the streets of the City, shall, at the coming into force of this ordinance, make an application to the engineer for a permit for continuing such poles or lines of poles as already exist. Such application shall show the number and location of such poles. Existing poles, continuance of.

**41.** The engineer may grant a permit on such conditions as he deems necessary for the continuance of not more than one line of poles on any street for wires of a similar class. Permit in such case.

City's right to  
use any poles  
not in use.

**42.** On all streets on which there exists at the time of the coming into force of this ordinance only one line of poles for each class of wires, the company owning such lines shall continue to own the same so long as the company requires to use it for its own purposes, but if at any time the company ceases to use or occupy any such pole or line of poles for its own purposes the City shall have the right to take and appropriate such pole or line of poles to its own use, or to hand them over to any other company for its use, at a valuation or price to be mutually agreed upon between the owner of the poles and the City, and in case of failure to agree, the price shall be fixed by arbitration; one arbitrator to be appointed by the mayor of the City, and the other by the president or manager of the company owning the poles; the two arbitrators so nominated to nominate a third. In case of disagreement the award of any two of the arbitrators shall be final and conclusive as to the price to be paid by the City for the poles.

Two lines of  
same class—  
Engineer  
may arrange.

**43.** Where there are two lines of poles for wires of the same class on any street owned by different companies the engineer shall issue a permit to the owner of the pole or line of poles which he considers most suitable for the purposes for which they are required. Should neither of the lines be considered suitable a permit shall be given to the company showing priority of location (to be decided by the engineer) and in such cases the company receiving the permit shall be the owner of the poles erected under such permit so long as it requires them for its own purposes, but the first cost of erecting such poles shall be borne jointly by the companies requiring them, and if at any time the company owning such poles ceases to use or occupy such poles for its own purposes the City shall have the right to take and appropriate the same in the same manner as in the preceding section.

Use by one  
company of  
poles of  
another.

**44.** Any company requiring the use of a pole or line of poles belonging to another company shall on receiving a permit from the engineer affix the necessary cross-arms and pins after due notice to the company which owns the pole or poles. The cross-arms and pins shall be placed in such locations on the pole or poles as are agreed upon by the companies interested, or in the event of failure to agree, in such locations as the engineer deems best. Any company requiring the use of a pole belonging to another company for a stay pole shall obtain a permit from the engineer, and shall keep such stay pole as nearly perpendicular as possible as long as it is used by such company as a stay pole. The company owning a pole shall receive from any other company requiring its use for any purpose such sum as is agreed upon by the companies interested, or in the event of failure to agree such sum as the engineer deems proper.

**45.** Any company requiring the use of a pole owned by another company which is not high enough or for other reasons will not afford the accommodation required may replace such pole by a higher pole, at the expense of the company requiring the same; but such new pole shall become the property of the company owning the original pole, and the company placing the new pole shall be responsible for all damage done in making the change. If insufficient may be replaced.

**46.** Within a reasonable time (such reasonable time to be determined by the engineer) after the issuing of the permit for existing lines or re-location of existing lines all wires shall be shifted when considered necessary by the engineer to the poles or lines of poles for which such permit has been issued, and in case of refusal or neglect by any company after ten days' notice served on the manager of such company requiring it to shift its wires, or to permit any wires to be placed on its poles when directed by the engineer, the engineer may shift any wire which he considers necessary to shift at the expense of the company owning such wire, and such expense shall be recovered by the City against the owner of the wire. Shifting wires.

**47.** Every company owning poles shall allow the City, free of all charge, the exclusive use of the top of each pole, and the upper cross-arm (to be placed and maintained by the company) for the purpose of placing and maintaining thereon any wires now or hereafter required by the City. City to have top and upper cross-arm.

**48.** When required by the engineer every company owning poles shall file at the office of the engineer such records of the poles, wires and fixtures owned by it as he requires. Records.

**49.** When required by the engineer, any company owning wires shall gather and place in aerial cable lines any wires to the number of twenty-five or more in each cable in any street, according to the direction of the engineer, and within such time and in such manner and at such height as he directs; but no company shall be required to construct more than three thousand feet of cable line in one year, except when the engineer considers it necessary in order to permit any other company to comply with this ordinance. Aerial cables.

**50.** No person shall put or place, or allow to be put or placed, on any telegraph, telephone, electric light or other pole erected within the City for the carriage of electric wires, any advertisement, poster, placard or anything whatsoever except the wires and fixtures thereto attached. Advertisements prohibited.



National  
Board Rules.

**51.** Every company owning or operating poles shall strictly conform to the rules and regulations in respect to poles and wires of the National Board of Underwriters.

Instructions to  
be followed.

**52.** Every person, company, corporation or lessee erecting or using poles shall obey and carry into effect any instructions respecting them given by the Council, Board of Control, mayor or engineer, under the provisions of any enactment in that behalf or this ordinance, and after failure to comply with such instructions within the time specified therein, the engineer may cut down or remove such poles or any of them from the street, and may sever all wires which are attached thereto, and remove the same, and the City shall not be liable to the owners or users of such poles or wires for any loss, damage or injury sustained in consequence of such cutting down and removal.

Penalty.

**53.** Every person or company who contravenes or fails to comply with any provision of this ordinance in respect to which no penalty is provided shall for each such offence be liable to a penalty not exceeding eighty dollars, and each day on which such contravention or failure continues shall constitute a separate offence.

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## No. 9.

### CITY PRISON.

Supervision  
and manage-  
ment.

**1.** The City Prison shall be under the general supervision and management of the Board of Control, subject to the control of the Council.

Board or  
member to  
visit prison.

**2.** The Board, or a member thereof, shall visit the prison at least once in each month, and see that the laws governing it are carried out and enforced.

Accounts.

**3.** The accounts of receipts and expenses connected with the prison shall be kept under the direction of the Board, and if found correct certified by the Board, filed with the clerk and laid before the Council.

How paid.

**4.** The accounts of the prison shall be settled every month, and be paid on the certificate of the Board. The Board, subject to the provisions of the City Charter, may make contracts for the supplies of the prison, or make such other arrangement for supplies as it deems best. Before any account certified by the Board is paid it shall be approved by the Council.

Superin-  
tendent.

**5.** The prison shall be placed and kept under the charge of a superintendent. Underkeepers shall be employed at

salaries to be fixed by the Council on the recommendation of the Board. One or more of the city policemen shall attend at the prison when required by the Board.

**6.** No prisoner shall be received by the superintendent without a written warrant of commitment, specifying the term of imprisonment, and no prisoner shall be discharged without a written order signed by the proper authority. Commitments to be in writing.

**7.** The superintendent shall keep a book in which shall be entered the name, age and description of every prisoner, the date of his commitment and discharge, and the term for which he is sentenced, and a record of his conduct during his imprisonment. Record Book.

**8.** Male and female prisoners and juvenile offenders shall be kept in separate and distinct parts of the building, as determined by the Board. Male, females and juveniles to be kept separate.

**9.** The cells in each wing shall be numbered, and the number of the cell assigned to each prisoner marked in the record book. Cells to be numbered.

**10.** The prisoners when not employed shall be locked in their respective cells unless otherwise ordered by the Board, who shall have power to relax the general rule in particular cases. Prisoners to be locked in.

**11.** The superintendent shall see that the whole interior of the prison is constantly kept clean and fully ventilated throughout all its apartments. It shall be thoroughly white-washed with lime twice a year. Prison to be kept clean.

**12.** Every prisoner shall be cleaned, shaved, and have a shirt washed for him once a week at least, and have a full daily supply of clean water and soap, and a clean towel once a week, and shall be supplied with a bucket and cover to be daily emptied for his necessary accommodation. Cleanliness of prisoners.

**13.** Every prisoner shall be allowed the means of bathing the whole person once a week, either with cold or tepid water. Bathing.

**14.** No clothes shall be washed or hung up wet in any room used as a sleeping apartment. Wet clothes.

**15.** The wash-house shall be furnished with the necessary appliances for washing, and shall be kept in order under the direction of the superintendent's wife or the matron. Wash house.

**16.** The prisoners shall wear a prison uniform prescribed by the Board, so distinguished by color or other peculiar marks as to make the escape of prisoners more difficult. Uniform.

- Diet.**                   **17.** The diet of the prisoners shall be in conformity to the table of diet hereto annexed, and the same shall not be retrenched or altered in any way unless by an express order of the Board.
- Conduct at meal hours.**                   **18.** At meal hours the male prisoners shall proceed in order to the cook house and each one shall there receive a kit containing his food, and they shall then proceed to their respective cells and take their meals separately, and then return their kits to the washhouse, where they shall wash them. The same rule shall be adopted so far as expedient with respect to the female prisoners.
- Refractory prisoners.**                   **19.** The superintendent may, with the approval of the Board, or a member thereof, secure any prisoner who has proved himself dangerous by threats or blows, or has attempted to escape, in closer custody than the others, or by irons or shackles.
- To be reported**                   **20.** Any prisoner turbulent, refractory or misbehaving himself, or attempting to escape, shall be reported to the Board, who may order him to be punished or more securely confined.
- Punishment.**                   **21.** The punishment of a prisoner shall be separate confinement. The dark cells may be used by the special order of the Board, but not otherwise, except in cases of emergencies to be immediately reported to the Board.
- Employment.**                   **22.** Prisoners, both male and female, shall be employed in such way as the Board from time to time directs.
- Work rooms.**                   **23.** Suitable workrooms shall be provided for both male and female prisoners.
- Outside employment.**                   **24.** Prisoners may be set to work by direction of the Board either inside of the prison or outside of the same; but no prisoner other than an adult male shall be given any work outside the prison.
- Hours of labor.**                   **25.** The hours of labor for prisoners shall be from six in the morning to six in the evening from the 22nd of March to the 22nd of November, and during the remainder of the year from eight in the morning to five in the evening on every week day, except statutory holidays. Sundays shall be faithfully observed in the prison as a day of rest and worship of God.
- Meal hours.**                   **26.** The prisoners shall be allowed during the summer months one hour for breakfast, between eight and nine in the morning, and one hour for dinner, between one and two in the

afternoon; and in the winter time one hour for dinner between noon and one in the afternoon. Their supper shall be at six in the evening, at which they shall be allowed a half hour, after which they shall retire to rest until five o'clock the next morning.

**27.** The whole prison shall be thoroughly inspected twice in each year, the last week in June and the last week in December. Inspection shall be conducted by the Board. The roll of the prisoners shall be called and every prisoner's condition as to health and behavior noted, and the clothing and bedding of every prisoner inspected and any deficiency noted. The state of every part of the buildings, the floors, windows, chimnies, doors and furniture noted, and a report in writing in detail, signed by the mayor, shall be laid before the Council at its next meeting. Inspection.

**28.** No person shall be permitted to visit the prison unless by the written permission of a member of the Board, and no visitor shall be admitted before eight o'clock in the morning or after six o'clock in the evening. The Mayor and other members of the Board of Control, aldermen, solicitor, clerk, chief of police, sheriff of the county, clergymen of all denominations, and physicians and surgeons practising in the City, may visit the prison at any time they deem necessary. Visitors.

**29.** Copies of so much of the City Charter as respects the city prison, and of this ordinance, shall be kept constantly posted in two or more conspicuous places within the prison. Ordinance to be posted.

#### SCHEDULE.

##### PRISONER'S ALLOWANCE IN CITY PRISON.

###### *For Men.*

Each prisoner half lb. meal in the morning, and the same in the evening.  
 Dinners:—Sunday—Half lb. meat with half lb. bread, soup, with barley.  
           Monday—Half lb. fish with half lb. bread.  
           Tuesday—Ox feet soup with barley, with half lb. bread.  
           Wednesday—Half lb. fish with half lb. bread.  
           Thursday—Half lb. meat, half lb. bread; soup, with barley.  
           Friday—Half lb. fish, half lb. bread.  
           Saturday—Ox feet soup with barley, half lb. bread or half lb. potatoes.

###### *For Women and Boys.*

Each prisoner, 6 oz. meal in the morning, and the same in the evening.  
 At dinner, 4 oz. bread, or half lb. potatoes, the other articles the same as the men.



## No. 10.

## THE CITY HOME.

Board of Control to supervise and manage.

**1.** The Board of Control shall have the general supervision and management of the City Home, including, subject to the provisions of the City Charter, the purchase of food, clothing, fuel and other supplies and requisites. It shall, in this ordinance, be designated as the Board.

Accounts.

**2.** The accounts for all goods purchased shall be submitted to and orders for supplies authorized by the Board at least once a month.

Purchase of supplies.

**3.** All articles of clothing, dry goods, groceries, meat, hay, straw, boots and shoes, leather, crockery, tinware and other necessities shall, as far as possible, be furnished by tender and contract. Such articles as cannot be supplied by tender and contract shall be purchased at the lowest possible price after due inquiry.

Emergency.

**4.** In case of emergency, any supplies not authorised by the Board may be obtained on a requisition, to be signed by the superintendent, and countersigned by the mayor; and such special requisition shall be reported to the Board at its next meeting.

Board or member to visit.

**5.** The Board or a member thereof shall visit the institution at least twice per week, to consult with the superintendent and see that the rules are carried out.

## OFFICIALS.

Officials.

**6.** The officials of the home shall be appointed annually, their salaries determined and their duties defined, by the Council on the recommendation of the Board of Control, and shall be a superintendent, matron, physician (who shall be the city medical officer), secretary, engineer and assistant, fireman, store-keeper, and such other as are found necessary by the Board, who shall determine their compensation and define their duties, when such duties are not fully set forth in this ordinance.

Ward overseers.

**7.** In each ward-room or workshop, one of the inmates shall be designated by the superintendent or matron as ward or work overseer, who shall carry out the instructions of the superintendent or matron; and the Board shall have power to fix compensation to be paid any inmate for services rendered.

## SUPERINTENDENT AND MATRON.

8. The superintendent shall have charge and supervision of the institution in all its departments. He shall make out and sign requisitions for all goods and supplies required by the institution, after being duly authorized by the Board at any meeting, and the same, unless covered by accepted tenders, shall be purchased by him on the best possible terms.

Superintendent to have charge and purchase supplies.

9. The superintendent or his assistant shall personally examine all persons applying for admission, note and cause to be recorded in the admission book such facts in regard to them as are important to be preserved, such record to be made not later than twenty-four hours after admission of such person, shall cause each person to be thoroughly cleansed, and the clothing on the person to be examined, and if the clothing is not clean the same shall be taken off and clean clothing substituted until the clothes taken off are cleansed, then if found suitable the same clothing to be put on again. Persons so applying shall be suitably classified, having reference to their age, condition and general character, placing those who require medical treatment in the hospital wards, and the insane in the insane wards, there to be examined by the doctor. The superintendent shall be especially careful that the infirm, sick and insane inmates are treated with considerate care and kindness.

Examine applicants for admission.

10. The superintendent shall make all regulations for the domestic management of the institution, subject to the approval of the Board, shall enforce obedience on the part of the inmates to the rules prescribed for them, and shall keep a record of all cases of discipline, which shall be open for examination to the Board.

Regulate domestic management.

11. He shall see that the regulations for the management of the Home, and the government and employment of the inmates are duly enforced, and that the subordinate officers and others employed about the Home, in the workshops and elsewhere, discharge their duties faithfully. Any inmate refusing to work on the plea of being sick shall be examined by the doctor, who shall decide whether such inmate is capable of doing the work assigned to him or her.

Enforce regulations.

12. He shall see that the provisions furnished to the inmates are of good quality and in sufficient quantity, and that they are properly stored and distributed, and that no waste is permitted. He shall not permit the use of intoxicating drink by any officer or inmate, except by orders from the doctor. He shall see that the building is kept clean, warm and ventilated, and that such of the inmates as are able to perform labor are

Examine provisions.

kept employed, and that all the concerns of the establishment are well ordered and conducted.

Pass the bills—  
pay employees

**13.** He shall cause to be collected at the end of each month all the bills of goods contracted for during the month, sign the same on being found correct, and pass them over to the secretary. He shall on the first of each month pay all the employees of the institution, and shall also sign the pay sheet after it is made out by the secretary, if found correct.

Report insub-  
ordination.

**14.** He shall immediately inform the mayor of any insubordination on the part of any employee of the institution, and shall suspend such employee, pending an investigation by the Board.

Make monthly  
report.

**15.** He shall report to the Board monthly the state of the Home, the list of all salaried officers and their salaries, of the employees and their wages; also, the amount of stock and supplies on hand, and their value. He shall inspect all goods that are contracted for upon their arrival at the institution, and if found not according to the specification, he shall have the same returned to the contractor, the contractor paying all expenses therefor.

Attendance.

**16.** He shall notify his assistant when he is leaving the Home to remain until his return; both shall not be away from the Home at the same time under any circumstances.

Matron's  
duties.

**17.** The matron, subject to the superintendent, shall see that all the female inmates are provided for, according to their respective requirements, that the regulations for cleanliness both in their persons and their apartments are strictly carried out, that good order and decorum are observed at all times, and shall report delinquents to the superintendent for discipline. She shall have charge of all the goods and furniture in her department, and shall see that none are lost or destroyed. She shall assign to the women under her charge such labor as in her judgment they are best fitted to perform, subject to the approval of the doctor. She shall at proper and stated times have all the clothing of the inmates of the institution changed, also all the bedding and mattresses. She shall have the general direction and oversight of the whole domestic management of the institution, and shall see that her assistants faithfully discharge the duties assigned to them.

#### WATCHMAN.

Watchman.

**18.** The watchman shall be on duty from eight o'clock in the evening until six o'clock in the morning; shall keep vigilant watch and see that none of the inmates leave the building during

the night, see that no matches are being used by the inmates, also that there is no smoking by the inmates during the night; shall give instant alarm to the superintendent and engineer in all cases of fire or accident of any description during his watch, shall report to the superintendent upon going off duty in the morning any breach of the rules of the institution coming under his observation during the night, and also see that the fires in the boiler house and kitchen range are safe. He shall visit the sleeping apartments of the inmates and all other parts of the institution at least once in two hours.

## SECRETARY.

**19.** The secretary shall, under the direction of the Board and the superintendent, keep the records and registers of the institution (with the exception of the medical records, which shall be kept by the doctor), make weekly returns to the Board of all things passing under his hands, do all the correspondence in connection with the institution, copy all letters, receive all accounts from the superintendent, duly enter such accounts in the books, and lay the same before the Board at the first meeting of each month. Secretary's duties.

**20.** He shall assist the superintendent in all clerical work. Assist superintendent.

**21.** In the absence of the superintendent he shall perform his duties. Take Superintendent's place.

## THE ENGINEER.

**22.** The engineer shall have charge, under the direction of the Board and superintendent, of the heating apparatus, steam boilers, hot water boiler, fuel, gas, water supply, fittings and all machinery placed in his care. He shall make out and sign all requisitions upon the superintendent for all articles required in his department. He shall note daily in the fuel book the quantity of coal consumed for all purposes; he shall inform the Board in July of each year of the amount of coal required for the ensuing year. Engineer's duties.

**23.** It shall be his duty to produce such even and suitable temperature and ventilation in all the wards, dining and work rooms, as is directed by the doctor and superintendent. He shall keep the boiler room and all parts of his department neat and in good order. He shall at least once per month exercise the men under him, and such others as the superintendent appoints, in the use of the ho. and other appliances connected with the fire department. He shall inspect the water closets and bath rooms daily, and report to the superintendent any necessary repairs that are required to the same. Ventilation.



Steam and  
hot water.

**24.** He shall furnish steam for the laundry and cook house according to the requirements of those departments, and attend to the distribution of both hot and cold water in the building according to the wants of the different parts.

Repairs, &c.

**25.** He shall keep the Home and the buildings connected therewith in good repair, and when any repairs thereto are necessary, he shall report the same to the Board. He shall assist the superintendent in looking after the inmates who are able to work, and shall perform such other duties as are reasonably required of him.

#### THE STOREKEEPER.

Storekeeper.

**26.** The storekeeper shall be the custodian of all stores that come into the storerooms, and shall issue them only upon the order of the superintendent, doctor, or matron. He shall keep a correct record in the stores book of all stores that go out and to whose order, and also all stores that come in, in order to render to the superintendent at least once per month a statement of all stores passing through his hands.

#### THE DOCTOR.

Doctor.

**27.** The doctor shall visit all the hospital wards in connection with the Home at least once per day. He shall have sanitary supervision over all the inmates therein. He shall attend and prescribe in all cases of sickness, shall report daily to the superintendent all cases of births and deaths, and shall have oversight of the nurses in the hospital and insane wards. He shall examine all inmates who are reported to him sick, and decide whether they are able to work or not. He shall be subject to the call of the superintendent for urgent cases at the Home at all times.

#### NURSES AND ATTENDANTS.

Nurses.

**28.** The nurses in the male and female hospitals shall see that all the medicines prescribed by the doctor are administered to the patients, and at the correct time; that all orders from the doctor are strictly enforced; that the food is properly distributed, and the rooms, beds, bedding and clothing kept in a wholesome condition; and that the comforts of the sick and infirm are in every way promoted, giving to the discharge of their duties close personal attention during the hours of duty. They shall strictly guard against smoking at night.

Attendants.

**29.** The attendants shall see that all their wards and rooms are kept clean, warm and ventilated, and that all the inmates are bathed once a week, and more often if found necessary; that a sufficient quantity of food is furnished each person,

and if any person refuses the food provided, that notice thereof is given to the doctor. They shall notify the superintendent of all persons that they find capable of doing work; at least once a day they shall report to the superintendent the state of the wards in their charge respectively, and any complaints that are made by the patients, also any insubordination that arises or any breaking of the rules of the institution.

**30.** All subordinate officers shall in addition to the rules Subordinates. specified hold themselves in readiness to perform any service reasonably required of them by the superintendent.

#### MISCELLANEOUS.

**31.** From the first of October until the first of April in Hours of rising and retiring. each year the rising bell shall be rung at 6 o'clock a. m., and the retiring bell at 8 p. m.; from the first of April to the first of October in each year the rising bell shall be rung at 5.30 a. m. and the retiring at 8.30 p. m.

**32.** The hours of labor shall be from 7.30 a. m. to 11.30 Hours of labor. a. m., and from 1 p. m. to 5 p. m.; on Saturday afternoon the men will work only when special cases require the same to be done.

**33.** Every inmate, unless excused by the doctor, shall Cleanliness. be bathed at least once a week; cleanliness shall always be enforced by appropriate discipline. The mattresses shall be refilled with new clean straw at least twice per annum.

**34.** Inmates may be visited by their friends every Sunday, Visitors. Tuesday and Friday, between the hours of 1 and 4 o'clock, but in urgent cases they may visit any day of the week, by obtaining an order from a member of the Board. Visitors are strictly forbidden to give to any inmate or bring into the institution, intoxicating liquors of any description; any person violating this rule shall forfeit his right of admission to the institution, and shall not be allowed that privilege again, except by the special permission of the Board.

**35.** Leave of absence shall be granted by the superintendent once a month to any inmate who has not broken any of the rules of the institution. Any inmate returning to the house under the influence of liquor shall forfeit his right of leave of absence for three months. Leave of absence.

**36.** Every inmate will be required to attend religious Religious services. service on each Sunday unless excused by the superintendent. Any inmate may attend any religious service during the week, but after the service is over those working must resume work.

Improper  
language.

**37.** Every officer or employee of the institution shall avoid the use of improper language, and shall treat each other and the inmates with courtesy, and any violation of this regulation shall be sufficient cause for dismissal.

Kind  
treatment.

**38.** Insane inmates shall be treated in a kind and gentle manner, but subject to strict discipline; sympathy and kindness shall be the rule, force and restraint the exception. No attendant shall strike an inmate under any circumstances.

Quarrelling  
forbidden.

**39.** No quarrelling or the using of profane language will be allowed at any time, and if any person has any complaint against another, the complaint must be made to the superintendent or matron.

Walls, &c., not  
to be defaced.

**40.** All inmates of the institution who soil or deface the walls or ceilings by any dirty habit, carelessness or design, or misuse their clothes, their working tools, or any article committed to their care, destroy the furniture, the windows, or anything in connection with the institution, or who place anything in the water closets to interfere in any way with the same, whereby they may be stopped up or damaged, shall be punished at the discretion of the superintendent.

Clothing.

**41.** No clothing or other articles shall be allowed to be brought into any wards or rooms of the institution; any such articles or clothing owned by any inmate shall on entry( if of any value) be placed in the custody of the superintendent, who will deliver the same to the owner when required for use.

Children to be  
taken out  
with mothers.

**42.** Women leaving the institution must take their children with them.

Property  
at death.

**43.** On the death of any inmate, any money or personal property belonging to him or her will be retained by the institution towards payment of his or her support or burial.

Discipline.

**44.** Discipline may extend to the diet, the labor, the restraint, the confinement or discharge of the inmate, according to the condition of the offence, and shall be exercised by the superintendent, or by his order, subject to the approval of the Board or a member thereof, but in all cases of discipline or restraint a record shall be kept of the cause and duration of the same.

Drunkenness,  
and punish-  
ment of.

**45.** Any inmate returning to the institution after leave of absence in a drunken condition, or becoming drunk while in the institution, or guilty of disorderly conduct in the institution, may be punished by imprisonment in Rockhead Prison

for a period not exceeding one month, such imprisonment to be imposed by the stipendiary magistrate on conviction of the offence under the Summary Convictions Act.

**46.** A copy of these rules shall be hung in every room and ward of the institution, and should the said rules be defaced (except by accident) by any of the inmates or employees such inmate or employee shall be dealt with according as the Board or a member thereof orders. Rules to be kept posted.

### No 11.

#### THE COMMON.

**1.** The Common of Halifax shall be under the control of the Commissioners of Halifax Common. Controlled by Commissioners.

**2.** No person shall permit any horse, ass, mule, ox, cow, sheep, pig, goat or goose to go at large upon the Common. Horses, cattle, etc., not to go at large.

**3.** No person shall—

(a) deposit on the common any earth, ashes, stone, manure, dead animal, broken glass, empty can or other rubbish; or Depositing earth, erecting booths, etc.

(b) dig up the surface of the common or remove any turf or soil therefrom; or

(c) erect any booth, shed or other structure on the common; except by permission from the Commissioners, and on such terms and conditions as they specify.

**4.** No person shall destroy or injure any tree or shrub, or any box around any tree, or any fence on the common. Trees not to be injured.

**5.** No person shall drive any wagon, cart, sleigh, or other vehicle on any part of the common other than the regular roads or streets across the common. Vehicles not to be driven across.

**6.** Any person who violates any of the provisions of this ordinance, shall for each offence be liable to a penalty not exceeding ten dollars, and in default of payment to imprisonment for a period not exceeding ten days. Penalty.

### No. 12.

#### POINT PLEASANT PARK.

**1.** The directors shall appoint one or more park keepers who, while in office, shall in all things relating to the park and offences committed therein and violations of these ordinances, have and exercise all the duties and powers of constables, and on his or their appointment shall be sworn into office as con- Park keepers.



stables, and shall continue in office so long as they remain park keepers, or until their authority is revoked by the mayor.

Horses, cattle,  
and impound-  
ing of.

2. It shall be the duty of the park keepers to impound or cause to be impounded, any horses, cows, sheep, goats or swine, or other cattle found straying or grazing within the park, and the owners thereof shall be subject to the penalties imposed by any ordinance of the City in relation to animals going at large within the City, and the course of proceeding for the recovery thereof shall be the same as therein directed.

Rubbish, etc.,  
not to be de-  
posited—trees  
not to be  
injured.

3. No person shall deposit rubbish or other articles on any part of the park, or remove earth, sods, stones, gravel, sand or seaweed from the park or the shores thereof, or injure any of the ponds, or take ice or water therefrom, or cut down or take away, or injure any of the trees, shrubs or bushes growing thereon, or erect any booth, tent or shed, without having received the permission of the president or secretary of the directors, in writing, and submitted the same to the park keeper; and no fires shall be kindled therein without the permission of the park keeper and under his directions, and no fire-arms shall be discharged within the park, and for each offence the person offending shall incur a penalty not exceeding five dollars, and in default of payment to imprisonment for a period not more than ten days.

Good order—  
preservation  
of.

4. The park keepers shall use their best endeavors to preserve quiet and good order in the park, and shall take care that no riotous, disorderly or improper conduct takes place, and that no obscene or profane language is used, and that persons resorting to the park for exercise and recreation are not disturbed or molested, and shall allow no lewd, drunken or disorderly persons to remain therein.

Arrest.

5. Park keepers may arrest upon their own view persons offending against any of these regulations, and may employ any constables or other persons to aid them in such arrest and to convey the offenders to the police office or station, to be dealt with according to law.

Automobiles  
prohibited.

6. No automobile shall be used on any roadway or path in the park, and any person contravening this section, shall for each offence be liable to a penalty not exceeding twenty dollars, and in default of payment to imprisonment for a period not exceeding one month.

Rights under  
lease reserved.

7. Nothing in these regulations shall affect the rights reserved in the original lease of the park of the 31st December, 1873.

## No. 13.

## CAMP HILL CEMETERY.

1. In this ordinance the expression "commission" means Interpretation the Commissioners for Camp Hill Cemetery, the expression "chairman" means the chairman of that commission, and the expression "keeper" means the keeper of Camp Hill Cemetery.

2. The circular space in the centre of the cemetery shall Circular space. not be sold or used as a place of interment, but shall be retained as an open space.

3. The spaces of two and one-half feet each, reserved as Alleys. alleys between the lots, shall continue to be reserved for that purpose.

4. No lot shall be sold or transferred without the consent Transfer of lots. of the commission.

5. The owner of any lot which has not been used for in- Exchanges. terment, may, with the consent of the commission, exchange the same for any other lot not so used.

6. Any person who has purchased any lot, or made use of Recovery of price of lots. the same for the purpose of interment, and has not paid for the same, shall be liable for the price of the same, to be recovered from him by action in the name of the City.

7. No person shall enclose any lot, or erect any monument Only owners to enclose. therein, or cultivate the same, or plant any tree, shrub or plant therein, unless he has become the owner of the same.

8. No lot shall be used for any purpose other than the To be used only for burial burial of the dead, except that the owner thereof may, subject to the next preceding section, erect thereon any monument or other sepulchral structure, or plant trees, shrubs or plants.

9. (1.) Every owner of a lot shall, at his own expense, Marks of lots. set up suitable marks of stone or iron at the corners of the lot, with the number of the lot (or if more lots than one are contained in the same enclosure, the numbers of the lots so contained), marked thereon.

(2.) If any such owner fails, for thirty days after notice, to set up such marks, the commission may cause the same to be done, and the expense of so doing may be recovered from such owner by action in the name of the City.

Burial  
permits.

**10.** No dead body shall be interred in any lot until a permit for the burial has been obtained from the clerk, which permit shall be left with the keeper at or before the time of burial.

Walls, rail-  
ings, etc.

**11.** (1.) The owner of any lot may enclose the same with a wall, fence, or railing of brick, stone, iron or wood, within the boundaries of his lot; but

(a) No such wall, fence or railing shall exceed three and one-half feet in height, and

(b) No such wall, fence or railing, or any post, pillar or monument shall encroach upon any of the main avenues, or any of the spaces reserved for alleys, or extend beyond the boundaries of the lot.

(2.) The keeper shall immediately report any violation of this section to the commission and the commission may, if it deems fit, remove any such encroachment.

Commission  
to approve

**12.** No wall, fence or railing shall be placed round any lot unless the design and material of the same are first submitted to the commission for its approval, and such approval signified in writing to the keeper of the cemetery.

To be kept in  
good repair.

**13.** Every such wall, fence or railing shall be kept in good repair and condition, and every such fence or railing shall be kept properly painted. Any such wall, fence or railing not so kept may be removed by the commission if the owner of the lot, on being notified in that behalf, fails to comply with such notice for ten days, and the materials sold to defray the expense of removal: the balance, if any, may be used for the reasonable improvement of the lot.

Grass, etc. not  
to be deposited  
in walks.

**14.** No person shall deposit any grass, earth or other rubbish in any road, side path or alley.

Permit for  
work.

**15.** Any person, before beginning to erect any monument, tombstone, or other sepulchral structure in any lot, shall obtain a permit therefor in writing from the keeper, specifying the work to be done, and the conditions for doing the same. A fee of twenty-five cents shall be paid to the keeper for each such permit, to be paid by the keeper to the treasurer, to form part of the appropriation for the cemetery for the year.

Work to be  
done in ac-  
cordance with  
permit.

**16.** Any person doing any such work as is specified in the next preceding paragraph, shall comply with the conditions specified in the permit therefor, and in particular shall cut stone, mix concrete, or do any other work involving the deposit

of any dirt or rubbish in such parts only of the cemetery as are designated for that purpose by the keeper, and shall, without delay, on the completion of the work, remove all dirt or rubbish occasioned by the doing of the work.

**17.** Every person applying for a permit to do any work, shall deposit with the treasurer the sum of five dollars, to be expended by the keeper if need be in the removal of any dirt or rubbish deposited by the person applying for the permit, and not removed by him. It shall not be necessary for a person who has so deposited five dollars to make a further deposit on the issue of a subsequent permit until some part of the money so deposited has been applied in such removal, but when any part has been so expended no further permit shall be issued to such person until the amount on deposit is again made five dollars. Any money so deposited may, on application to the treasurer and the production of a certificate from the keeper that all dirt or rubbish deposited by the applicant has been cleared up, be returned to the person depositing the money, but no further permit shall be issued to the applicant until a sum of five dollars has been again deposited. Deposit required.

**18.** If any branch or root, or other part of any tree or shrub planted in any lot, encroaches on any other lot, or on any avenue or alley, the committee shall cause such encroachment to be removed. Encroaching branches.

**19.** Any dead tree, shrub or bush may be removed from any lot by the keeper. Dead trees.

**20.** No grave shall be dug to a less depth than four feet. Depth of graves.

**21.** Any person who defaces or injures any tomb, tomb-stone, monument, wall, railing, or fence, or injures or disturbs, or climbs upon any tree, shrub or plant within the cemetery, shall, for each such offence, be liable to a penalty not exceeding fifty dollars, and in default of payment, to imprisonment for a period not exceeding ninety days. Defacing tombs.

**22.** Between the 1st December and the 1st April, the gates of the cemetery shall be kept closed from 5 o'clock in the afternoon until 8 o'clock in the following morning. During the rest of the year they shall be kept closed between sundown and 7 o'clock on the following morning. Hours of closing.

**23.** Every person who contravenes, or fails to comply with any provision of this ordinance for which no penalty is specifically provided, shall for each offence be liable to a Penalty.



penalty not exceeding five dollars, and in default of payment to imprisonment for a period not exceeding ten days.

(Permit.)

#### CAMP HILL CEMETERY.

Permission is hereby given to  
in lot No. , the property of , subject to conditions  
following.

#### CONDITIONS.

The work permitted is to be completed, and all dirt or rubbish cleaned up within days from the date hereof.

Any stone cutting, mixing of cement, or other work, is to be done in such part of the cemetery as the keeper designates.

### No. 14.

#### THE REGULATION OF HACKS.

Board of  
Control to  
have control.

**1.** Subject to the provisions of the City Charter and of this Ordinance, the control of the hacks shall be vested in the Board of Control, hereinafter referred to as "the Board."

License re-  
quired.

**2.** No person shall ply for hire with any hack without having first obtained a license therefor. The license may be in the form in the schedule or to the like effect.

Number  
limited.

**3.** The number of hack licenses shall not exceed eighty in any year.

Date of  
application.

**4.** Every application for a hack license shall be made between the 15th day of April, and the 1st day of May, and, except as is hereinafter provided, no license shall be granted after the 1st day of May.

Term.

**5.** Every hack license shall be dated on the 1st day of May, and shall expire on the 30th day of April next succeeding.

License fee.

**6.** The fee payable for each hack license shall be five dollars.

Transfer at  
death, etc.

**7.** If any holder of a hack license dies, or makes an assignment under the Assignments Act, or leaves the City, a license for the unexpired term of his license may be issued to the purchaser of his hacks—provided such purchaser is, in the opinion of the Board a fit and proper person to receive a license, and otherwise conforms to the requirements of the Charter and this ordinance.

8. Every application for a hack license shall be made to the Board in writing by the bona fide owner of the vehicle for which a license is desired. The applicant shall be recommended in writing by two rate-payers as a fit and proper person to be granted a license, and the Board may refuse to grant a license to any applicant who, in their judgment, is not a fit and proper person to hold a license. Mode of application.

9. Any vehicle licensed as a hack shall be a closed carriage capable of seating not less than four persons, in addition to the driver; but a barouche may be substituted therefor in the summer, when the weather is suitable; and in the winter a closed or open sleigh, according to the weather; but such substituted vehicle shall not be in use at the same time as the vehicle for which the license was granted; and the provisions of this ordinance shall apply to any such substituted vehicle. Class of vehicles.

10. No license shall be granted in respect to any vehicle until the same has been inspected and approved by the Board, or some person on their behalf. Inspection.

11. Every vehicle licensed as a hack shall at all times, when in use, be kept clean and in good order; and may be inspected at any time by the Board, or any person appointed by them, and the Board may cancel or suspend the license of any vehicle not kept clean and in good order. Vehicles to be kept in good order.

12. No horse shall be driven in any licensed hack which is not in the opinion of the Board suitable for the work, and every horse so employed shall be kept in good order and condition to the satisfaction of the Board or any person appointed in their behalf. Horses.

13. No person other than the licensed owner thereof shall drive any hack unless licensed as a driver. A driver's license may be issued by the Board on payment of one dollar; but no such license shall be issued to any person under eighteen years of age, or to any person, in the judgment of the Board, not a fit and proper person to be a driver. Licensed drivers.

14. Every owner of a licensed hack who permits his hack to be driven by, or be placed upon the stand in charge of, an unlicensed person, shall, for each such offence, be liable to a penalty. Penalty for unlicensed drivers

15. Every licensed owner who dismisses a licensed driver from his employment shall immediately on such dismissal notify the clerk of the same. Dismissals to be reported.

- Number.**      **16.** The Board shall assign to each licensed hack a number which shall be entered in the license, and shall be painted, or affixed in a conspicuous manner, and in numerals not less than one and a half inches high, upon the hack; and a register of such number, with the name of the owner of each hack so numbered, shall be kept by the clerk, and may be inspected by any person.
- Lamps.**      **17.** Every licensed hack when in use, or upon its stand, between sunset and sunrise, shall have fixed on some conspicuous part of the outside thereof two lighted lamps, with plain glass fronts and sides, and having the number of the hack painted, with black paint, on the front and sides of each lamp, in numerals of not less than one and a half inches in size.
- Badges.**      **18.** Every driver of a licensed hack shall, when driving the same, or on the stand, or otherwise seeking employment therefor, wear on his hat or cap, or, in the case of a driver wearing livery, upon the lapel of his coat, a suitable badge with the number of his hack in numerals of a suitable size.
- Supplied by clerk.**      **19.** The badges shall be supplied by the clerk on application by the licensee, and on payment of one dollar, which shall be returned on delivering up the badge to the clerk.
- Delivery up of badges.**      **20.** Any licensee whose license is cancelled, or not renewed, or suspended, shall within ten days after such non-renewal, cancellation, or suspension, deliver up his badge to the clerk.
- Soliciting without badge forbidden.**      **21.** No person not wearing a badge supplied by the City shall solicit passengers in any place.
- Only owner or driver to solicit.**      **22.** No person other than the licensed owner of a hack, or the licensed driver of the same, shall solicit passengers for that hack.
- Stands.**      **23.** The Board may from time to time appoint places in the City to be stands for hacks, and may from time to time discontinue or change the same and appoint other places as such stands.
- Hacks to be on stands.**      **24.** The Board shall appoint a stand for each licensed hack, and may from time to time change the same, and the hack shall stand, and ply for hire at the place so appointed for it, and no other, except when attending at a railway passenger station, steamboat wharf, or other similar place to await the arrival of passengers. Every owner or driver of a licensed hack who contravenes, or fails to comply with this clause, shall for each such offence be liable to a penalty.

**25.** In the case of a person holding a license for two or more hacks, it shall not be necessary to designate which hack or hacks shall be placed on a particular stand, but any hack owned by him, and for which he holds a license, may be placed on the stand or stands allotted to him; provided that the total number so placed does not exceed the number for which he holds a license, and that the number of hacks placed by him on any one stand does not exceed the number allotted to him in respect to that stand.

Several hacks  
of one owner.

**26.** The berths upon each stand shall be numbered, and the first hack to go upon the stand in the morning shall take berth No. 1; the second, No. 2; and so on; and upon any hack leaving its berth, all the hacks below it shall move up.

Berths.

**27.** The driver of a licensed hack shall not leave his team while employed therewith or seeking employment therefor, and while at the stands the drivers shall remain by their hacks and not stray therefrom, or form into groups.

Drivers to  
remain by  
teams.

**28.** Every driver of a licensed hack shall, when employed therewith, be neatly and cleanly attired.

To be neat  
and clean.

**29.** No driver of a licensed hack shall make use of any abusive or insulting language.

Abusive  
language  
prohibited.

**30.** No driver of any licensed hack shall at any railway station, steamboat wharf, or other public place, conduct himself in a noisy or disorderly manner; and the Board may, from time to time, make regulations governing the conduct of drivers at such places, and the manner in which they shall ply their calling thereat.

Good order  
at railway  
station.

**31.** No licensed hack shall be driven faster than an easy trot.

Fast driving  
prohibited.

**32.** No licensed hack shall be used for the conveyance of a dead body, unless, before the body is placed therein, there is produced to the owner or driver of the hack a certificate by the clerk, stating that the cause of death was not any infectious or contagious disease. Every owner or driver who contravenes or fails to comply with this section shall be liable to a penalty of ten dollars, and in default of payment, to imprisonment for twenty days.

Dead bodies.

**33.** The fares for the distances set out in the schedule to this ordinance may be charged for conveyance in a licensed hack. Copies of such schedule shall be furnished to every person holding a hack license on application to the clerk; and

Fares.



one of such copies shall be posted up in a conspicuous position and protected by glass, in the inside of the hack.

Excessive  
fares pro-  
hibited.

**34.** Every licensed hackman or driver who receives or demands a fare greater than is specified in the schedule, shall be guilty of an offence against this ordinance.

Penalty.

**35.** Every person who contravenes or fails to comply with any provision of this ordinance in respect to which no other penalty is provided, shall, for each such offence be liable to a penalty not exceeding five dollars; and in default of payment, to imprisonment for a period not exceeding ten days; and in case of any such contravention or failure to comply by any holder of a hack license or licensed driver, the Board may punish such offence by cancellation or suspension of the license, or by a fine, not exceeding five dollars.

#### SCHEDULE.

##### FORM OF HACK LICENSE.

License is hereby granted to \_\_\_\_\_ to drive a Hackney Carriage in the City of Halifax, until the 30th day of April, 19 \_\_\_\_.

The number of such Hack shall be \_\_\_\_\_.

The stand appointed for the same shall be Section No. \_\_\_\_\_.

The licensee undertakes to comply with the laws and ordinances of the City of Halifax.

*Mayor.*

*City Clerk.*

##### TABLE OF FARES AND DISTANCES.

###### *Distances.*

From the Grand Parade North to	
Jacob Street or Commercial Wharf.....	$\frac{1}{4}$ mile.
South end of Maynard Street or Cunard's Wharf.....	$\frac{1}{2}$ do.
North end of Park Street or Deep Water Terminus.....	$\frac{3}{4}$ do.
Institute for the Deaf and Dumb, or Dockyard Gate.....	1 do.
Wellington Barracks (east or west front).....	1 $\frac{1}{2}$ do.
Richmond .....	2 do.
From Grand Parade South to	
Corner of Morris and Pleasant Sts., .....	$\frac{1}{2}$ do.
Blind Asylum or Convent.....	$\frac{3}{4}$ do.
Laidlaw's Wharf or corner of Inglis Street and Tower Road or	
Poor's Asylum .....	1 do.
Steel's Pond, the Bower Road, or Studley.....	1 $\frac{1}{4}$ do.
Franklyn Street, Theological Hall, or Belmont.....	1 $\frac{1}{2}$ do.
Fort Ogilvie or the Old Penitentiary.....	1 $\frac{1}{2}$ do.
Point Pleasant .....	2 do.
From the Grand Parade West to	
Park Street (West side of the Citadel).....	$\frac{1}{2}$ do.
Camp Hill Cemetery, or St. Andrew's Cross.....	$\frac{3}{4}$ do.
Louisburg Street .....	1 do.
McCullough's Road, Oxford Street, or Leahyville.....	1 $\frac{1}{2}$ do.
Horse Shoe Island.....	2 do.
North-west Arm Bridge.....	2 $\frac{1}{2}$ do.

*Fares.*

For each person for any distance up to one mile.....	25 Cts.
“ “ “ “ one mile and a half.....	30 do.
“ “ “ “ two miles .....	40 do.
“ “ “ “ two miles and a half.....	45 do.
“ “ “ “ three miles .....	50 do.

One half of the above rates to be paid if returning in the same carriage. For every 15 minutes after first 15 minutes 15 cents extra is allowed

For all hacks or cabs hired by the hour the charge shall be

For a one horse carriage per hour.....\$1.00

For a two horse carriage per hour..... 1.50

And a like proportion for every fraction of an hour. Persons engaging a licensed hack by the hour to state the same at the time of hiring.

To or from any steamer or passenger vessel, to or from any railway station, or to or from any hotel or dwelling house to any wharf, stage office, railway station, dwelling house or other place, with  $\frac{1}{2}$  cwt. of luggage for each person for any distance within the city limits ..... 50c

Children under one year old free; over one year old and under twelve half fare.

For employment in the night time between 12 o'clock midnight and 6 o'clock a. m. in summer and 12 o'clock midnight and 7 a. m. in winter the fare shall be as parties may agree, not however to exceed double fare.

The Fares for licensed motor cabs shall be

For a five-passenger car, per hour .....\$2.00

For a seven-passenger car, per hour ..... 2.50

**No 15.****THE REGULATION OF TRUCKS.**

**1.** Subject to the provisions of the City Charter, and of <sup>Board of Control to control.</sup> this ordinance, the control of trucks shall be vested in the Board of Control, hereinafter referred to as “the Board.”

**2.** No person shall ply for hire with any truck without <sup>License required.</sup> having first obtained a license therefor. The license may be in the form in the schedule, or to the like effect.

**3.** Every truck license shall expire on the 30th day of <sup>Term.</sup> April next succeeding the day on which it is issued.

**4.** The fee payable for each truck license shall be three <sup>Fee.</sup> dollars.

**5.** Every application for a truck license shall be made to <sup>Applications.</sup> the Board in writing by the bona fide owner of the vehicle for which a license is desired, and the Board may refuse to grant a license to any applicant who in their judgment is not a fit and proper person to hold a license.

**6.** No license shall be granted in respect to any vehicle <sup>Inspection.</sup> until the same has been inspected and approved by the Board, or some person on their behalf.

Truck to be kept in good order.

**7.** Every licensed truck shall be kept in good repair and condition to the satisfaction of the Board or some person appointed in their behalf.

Horses.

**8.** No horse shall be driven in any licensed truck which, in the opinion of the Board, is unsuitable for the work to be done by it, or which is not kept in a fit and proper condition to the satisfaction of the Board or some person appointed on their behalf.

Boys as drivers prohibited.

**9.** No person under the age of seventeen years shall be permitted to drive any truck.

Good conduct of drivers.

**10.** The holder of the license for any truck shall be responsible for the good conduct of any person employed by him as a driver and for the observance by him of the provisions of this ordinance.

Box carts.

**11.** Every box-cart used as a truck shall be capable of holding one-half chaldron of coal without the same being heaped up, or in any risk of any coal falling out.

Side boards.

**12.** No portable front or side board shall be used on any truck unless the same is so fastened when in place as to prevent it from moving or rattling.

Name.

**13.** Every licensed truckman shall keep the initial letter of his christian name and his full surname, and the number of his license painted in characters not less than one and a half inches high, on both sides of his truck.

Stands.

**14.** The Board may from time to time appoint places in the City to be stands for trucks, and may from time to time discontinue or change the same and appoint other places as such stands.

Trucks to be on.

**15.** The Board may appoint a stand for each licensed truck, and may from time to time change the same, and the truck shall stand or ply for hire at the place appointed for it and no other.

Berths.

**16.** The berths upon each stand may be numbered, and the first truck to go upon the stand in the morning shall take berth No. 1, the second No. 2, and so on, and upon any truck leaving its berth, all the trucks below it shall move up.

Forfeiture of berths.

**17.** If any licensed truckman, unless prevented by sickness or other unavoidable cause to the satisfaction of the Board, fails to occupy his stand for one month, he shall forfeit his right thereto, and the same may be reassigned; but a fresh stand may be allotted to him by the Board.

**18.** No licensed truckman, when his truck is on a stand, shall refuse or neglect to employ the same within the City for any citizen offering him such employment. Not to refuse employment.

**19.** No licensed truckman shall refuse or neglect to immediately obey any call to employ his truck, when on its stand, for any purpose of the City or other public purpose, when such call is made upon him by the mayor or any controller or alderman, the chief of police, or any police constable. Public purpose.

**20.** Every licensed truckman or his driver shall load or unload his truck or assist in so doing so far as he is capable. To assist to load.

**21.** Within the district bounded by North Street, Agricola Street, North Park Street, South Park Street, Inglis Street and the water side, no truckman or driver shall drive his horse faster than a walk. To go at a walk.

**22.** The fares for the distances set out in the schedule to this ordinance may be charged for the services of a licensed truck. A card having printed on it such fares and distances shall be furnished by the clerk to every licensed truckman on application, and the truckman or driver shall, on request, exhibit the same to any person employing him. Fares.

**23.** Any licensed truckman who receives or demands a fare greater than is specified in the schedule, shall be guilty of a violation of this ordinance. Excessive fares prohibited.

**24.** Every person who contravenes or fails to comply with any provision of this ordinance, shall for each such offence be liable to a penalty not exceeding five dollars, and in default of payment to imprisonment for a period not exceeding ten days; and in the case of any such contravention or failure to comply by any holder of a truck license, the Board may punish such offender by cancellation or suspension of the license, or by a fine not exceeding five dollars. Penalty.

#### SCHEDULE.

##### FORM OF LICENSE.

License is hereby granted to \_\_\_\_\_, to drive a Cart, Truck, Sled, Express, or other Vehicle, number \_\_\_\_\_, as per margin, for hire in the City of Halifax, until the 30th day of April, 19\_\_\_\_, he complying with the Laws and Ordinances of the City.

No.  
Section

Mayor.  
City Clerk.



## TABLE OF FARES AND DISTANCES.

*Rates per load with cart, truck, or sled.*

A quarter of a mile.....	25 Cents.
Half-mile .....	30 "
Three-quarters of a mile .....	35 "
One mile .....	45 "
One mile and a quarter .....	50 "
One mile and a half .....	60 "
One mile and three-quarters .....	70 "
Two miles .....	90 "
Every additional quarter of a mile over two miles....	5 "

In removing the furniture of a house the rate to be settled by agreement between the parties; if not so settled 50 cents a load per half mile.

*Distances.*

	Miles.
From Market Square to Cor. Queen Street and Spring Garden Road..	$\frac{1}{2}$
" " Cor. Morris and South Park Streets.....	1
" " Convent .....	1
" " Victoria General Hospital .....	$1\frac{1}{4}$
" " Collins' Gate .....	$1\frac{1}{2}$
" " The Bower .....	$1\frac{3}{4}$
" " Belmont .....	2
" " The Old Penitentiary .....	$2\frac{1}{4}$
" " Chain Battery .....	$2\frac{1}{2}$
" " Point Pleasant .....	$2\frac{1}{2}$
" " Richmond Depot .....	2
" " McCullough Road and Oxford Street .....	$1\frac{1}{2}$
" " Horse Shoe Island .....	2

## No. 16.

## BICYCLES.

Interpretation **1.** In this ordinance the expression "bicycle" includes "tricycle"; the expression "street." includes any road in Point Pleasant Park.

Gong or bell. **2.** No person shall ride any bicycle on any street without having attached thereto a bell or gong of sufficient power, and so attached as to be readily available for giving effective warning of the approach of the bicycle.

Warning of approach. **3.** Upon approaching any crossing or overtaking any vehicle, horse, foot passenger or bicycle, the rider of a bicycle shall sound the bell or gong so as to give a reasonable warning of his approach.

Rules of road. for bicycles. **4.** The rider of every bicycle shall observe the usual rules of the road by keeping to the left on meeting any vehicle or bicycle, and by keeping to the right when passing any vehicle or bicycle going in the same direction.

5. The driver of every vehicle and the rider of every horse, shall in like manner strictly observe the rule of the road when meeting or overtaking any bicycle. Rule of Road for vehicles.

6. Between one hour after sunset and one hour before sunrise, every rider of a bicycle shall have attached thereto a lighted lamp of sufficient power, and so constructed and attached as to exhibit a light in the direction in which the bicycle is going sufficient to signal its approach and position. Lamps.

7. No person shall throw, put or place on any street, any thing that will injure any bicycle. Injurious matter in streets.

8. No bicycle shall be ridden at an immoderate speed, or in a reckless and dangerous manner. Immoderate speed.

9. Bicycles shall not be ridden two abreast. Two abreast.

10. No bicycle shall be ridden on any sidewalk. Sidewalks.

11. The Board of Control may sanction the holding of bicycle road races on such streets and at such times as they deem fit, and may for the purposes of such race suspend the operation of this ordinance, in whole or in part, in respect to the contestants in the race. Road races.

12. Every person who contravenes or fails to comply with any of the provisions of this ordinance, shall for each such offence be liable to a penalty not exceeding five dollars, and in default of payment, to imprisonment for a period not exceeding ten days. Penalty.

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No. 17.

OMNIBUSES.

1. The license of every omnibus shall specify the route on which the same shall ply, with the hours of starting and the rate of fare, and no omnibus shall be driven otherwise than on such route and at such hours, and for the fare so appointed, without the permission of the Board of Control; but nothing in this section contained shall prevent such omnibus being employed on other routes at hours other than those required for its regular work. Route and hours.

- Fee.                   **2.** The annual fee for the license for any omnibus shall be:—  
 For every omnibus drawn by horses..... \$10.00  
 For every omnibus propelled by mechanical power... 20.00
- Number and route to be displayed.           **3.** Every licensed omnibus shall have conspicuously painted thereon its number and the route on which it travels.
- Inspection.           **4.** Every licensed omnibus shall be at least once in each year inspected by the Board of Control, or its inspector, and shall be kept in accordance with the requirements of the said Board.
- Penalty.              **5.** Every person who contravenes or fails to comply with any provision of this ordinance shall for every such offence be liable to a penalty not exceeding five dollars, and in default of payment to imprisonment for a period not exceeding ten days.

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### No. 18.

### JUNK DEALERS.

- License required.       **1.** (1.) No person shall do business as a dealer in junk, second-hand marine stores, rags or bones (hereinafter referred to as a junk dealer) without having first taken out a license therefor, which shall be granted by the Council and signed by the mayor and clerk, and shall be in force until the 30th day of April next succeeding, and no longer.
- Renewals.              **(2.)** The mayor and clerk may, without any resolution by the Council, issue a renewal of the license to any person to whom a license has been issued by the direction of the Council; but no such renewal shall be so issued to any person who has forfeited his license or in respect to whom the Council has directed that a renewal shall not be issued.
- License fee.            **2.** The fee for every such license so issued or renewed shall be forty dollars.
- Separate license for pawn broker.       **3.** No junk dealer shall do business as a pawn broker without having taken out a special license therefor.
- Place of business.       **4.** Every junk dealer shall do business at some place within the City, and the place at which he proposes to do business shall be specified in the license.
- Separate license for each place.       **5.** A separate license shall be required for every place at which any person proposes to do business as a junk dealer.

6. No person licensed to do business as a junk dealer shall remove his place of business from the place designated in his license without having first obtained the permission of the Council, and such change shall be endorsed upon his license by the clerk. Permission for removal.

7. The name of the licensee shall be painted in legible characters on the door of every place in which any person does business as a junk dealer, and on both sides of every vessel, boat or vehicle used in connection with his business, with the words "Licensed Junk Dealer" added thereto. Name to be painted.

8. No junk dealer shall purchase any article in the way of his business at any place other than the place designated in his license, except in the case of a sale by public auction or at some place at which the public are invited by advertisement or otherwise to attend for the purpose of making such purchase. Purchases, and where made.

9. No junk dealer shall purchase in the way of his business any article whatever from any minor under the age of eighteen years. Not to be from minors.

10. No junk dealer shall purchase in the way of his business any article whatever from any person whomsoever between the hours of six o'clock in the afternoon and seven o'clock in the forenoon. Hours.

11. Every junk dealer shall on demand by the chief of police or any police officer, exhibit to him any article on his premises. Inspection.

12. All rags, old rope and other combustible or inflammable material shall be kept isolated and apart from other articles, and every precaution taken to prevent the risk of fire in the same. Inflammable material.

13. Every junk dealer shall keep in each place in which he does business, a book in the form following, that is to say:— Book to be kept.

Date	Time received.	No. of folio.	Amount paid.	Description of articles and descriptive marks thereon.	Name and address of person selling.	Description of person selling.					By whom purchased.	Date.
						Age.	Height.		Complexion.	Beard, color and shape.	Dress.	
							ft.	in.				



in which shall be fairly written at the time of the purchase of any article in the way of business an accurate account and description of the article so purchased, including any distinctive mark thereon, the price paid therefor and the precise time of making such purchase, and the name, residence and description of the person from whom such purchase was made, and such book shall at all times be open to the inspection of the chief of police or any police officer.

Entries  
therein.

**14.** Immediately after the sale of any article by any dealer he shall make an entry in the book mentioned in the next preceding paragraph opposite to the entries therein of the purchase of such article, showing the name, residence and description of the person to whom the same was sold, and the price and date of sale.

Copy for Chief  
of Police.

**15.** Every junk dealer shall make out and deliver to the chief of police every day before the hour of twelve o'clock noon a legible and correct copy of the entries in the book hereinbefore mentioned, showing the entries therein of articles and things purchased during the twenty-four hours immediately preceding ten o'clock in the forenoon of that day. If the report is made on the day following a holiday it shall cover the whole period subsequent to ten o'clock of the forenoon of the day on which the last report was made.

False entry.

**16.** Every person who wilfully makes any false entry in the book so required to be kept or in any statement so furnished to the chief of police shall be deemed guilty of a violation of this ordinance.

Bond.

**17.** Every person licensed to do business as a junk dealer shall at the time of receiving his license enter into a bond to the City with two sufficient sureties in the sum of two hundred dollars (\$200) conditioned for the faithful observance by the licensee of the provisions of the City Charter in respect to junk dealers and of this ordinance.

Penalty.

**18.** Every person who contravenes or fails to comply with any provision of this ordinance, shall for each such offence be liable to a penalty not exceeding fifty dollars (\$50) and in default of payment to imprisonment for a period not exceeding one month, and for a second conviction for any such offence (not necessarily the same) shall forfeit his license and shall not be granted a renewal of the same for one year thereafter.

## No. 19.

## PUBLIC BILLIARD ROOMS AND BOWLING ALLEYS.

1. No person shall carry on business as keeper of a public billiard room or bowling alley without first having obtained a license therefore. License required.

2. Every such license shall be signed by the mayor and clerk, and issued by the clerk, and shall be in force until the thirtieth day of April next succeeding the date when the same is issued, and no longer. How issued.

3. There shall be paid for a license, under the provisions of this ordinance, the following fees:— Fees.

- (a) License to keep a public billiard room, when there is only one billiard table or pool table therein .....\$25 00
- (b) Each additional table ..... 5 00
- (c) License to keep a bowling alley when the beds do not exceed two..... 10 00
- (d) Each additional bed ..... 5 00

4. No person shall keep open any public billiard room or bowling alley on any week day between the hour of twelve o'clock at night and the hour of six o'clock in the forenoon, or on Sunday. Hours.

5. No person licensed under the provisions of this ordinance to keep any such public billiard room or bowling alley shall permit any drunken or disorderly person, or any keeper of a house of illfame, to resort to, or frequent the premises kept by him in respect to which such license has been granted, or keep, suffer, or permit to be kept in such premises any faro bank, rouge et noir, roulette table, or any other device for gambling of any kind to be carried on therein, or suffer or permit any noise, disorderly conduct, disturbance or breach of the peace to take place therein. Disorderly conduct,—gambling, etc.

6. The chief of police, or any police officer may at any time enter any such public billiard room or bowling alley for the purpose of inspecting the same and ascertaining whether the provisions of this ordinance are carried out. Inspection.

7. No boy under the age of eighteen years shall be admitted to, or employed in, any public billiard room or bowling alley. In any prosecution for the violation of this section, Boys.

the statement in the information or complaint that any such boy was under the age of eighteen shall be prima facie evidence that he was under such age, and the burden of proving that he was not shall be upon the defendant.

Cancellation.

**8.** The Council may at any time cancel and put an end to any license granted under this ordinance.

Transfer of  
License.

**9.** If any person holding a license under this ordinance has sold and transferred his interest in the business in respect to which the license was granted, the purchaser may apply to the clerk for a renewal of the license for the balance of the period of time for which the license has to run, and the clerk shall submit such application to the Board of Control, who may, if they think proper, allow the application, in which case the clerk shall endorse the renewal on the license.

Penalty.

**10.** Every person who contravenes or fails to comply with any of the provisions of this ordinance, shall for every such offence be liable to a penalty not exceeding forty dollars, and in default of payment to imprisonment for a period not exceeding one month.

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## No. 20.

### PUBLIC ENTERTAINMENTS.

License  
required.

**1.** No person shall give any theatrical or musical entertainment, or any lecture, or perform with any circus, or give any other public entertainment to which admission is obtained on payment of money, or perform any street music, or give any other entertainment or exhibition on the streets for gain, without having first taken out a license therefor.

How issued.

**2.** Every such license shall be signed by the mayor and the clerk, and issued by the clerk, and shall specify the nature of the entertainment for which it is issued, and the period for which it shall be in force.

Fees.

**3.** The fees payable for such licenses respectively shall be those mentioned in the schedule to this ordinance.

General  
license.

**4.** A general license may be issued in respect to any theatre, music hall or other building used for public entertainment, authorizing entertainments to be given therein for one year or fraction thereof ending on the thirtieth day of April. No owner or manager of any building shall permit any public entertainment to be given therein for admission to which

money is paid, unless the license for such entertainment has been first taken out.

**5.** Every application for a license shall be made in writing Application. to the clerk, and shall state—

- (a) the name, occupation and address of the applicant;
- (b) the nature of the license applied for;
- (c) the place where the entertainment is to be given;
- (d) the period for which the license is required.
- (e) the nature and description of the theatrical or musical exhibition or public show, and the nature of all other exhibitions of whatever kind or description for which a license is applied.

**6.** The mayor may, on application, exempt from the pay- Exemption for charity. ment of a license fee any entertainment given wholly for religious or charitable purposes.

**7.** No drunken or disorderly person shall be allowed to Disorderly persons prohibited. enter any building where any exhibition, public show or public lecture is being exhibited or delivered.

**8.** It shall be the duty of every person obtaining a license Good order to be kept. under this ordinance to keep good order in and about his theatre, music or concert hall, exhibition, show, or public lecture, or any place of public amusement for which a license is required by this ordinance, at his own expense, and shall keep a sufficient force of servants for that purpose, and shall always, while the entertainment is in progress, have one or more police officers in attendance.

**9.** Any person present at any exhibition, public show, Removal of offensive persons. lecture or any show or exhibition for which a license is required, who uses insulting, offensive or abusive language, or in any way disturbs the peace and quiet of the persons present thereat, may be removed from the building, and any person so offending shall be liable to a penalty not exceeding thirty dollars, and in default of payment to imprisonment for a period not exceeding thirty days.

**10.** The mayor may at any time cancel the license for Cancellation of license. any entertainment which is found to be of an indecent or immoral description, or contrary to law and public order.

**11.** The mayor may prevent any entertainment being Prevention of unlicensed entertainments. given, a license for which has not been obtained, and for that purpose may close any building or prevent the entrance of the



public thereto, or may disperse any crowd or order the arrest without warrant of any person giving such entertainment, after being notified to desist therefrom.

Police may  
enter.

**12.** Any policeman shall have the right at any time during any exhibition or public lecture to enter any building in which the same is held, and assist in keeping order or enforcing this ordinance.

Penalty.

**13.** (1.) Any person violating any of the provisions of this ordinance shall be liable to a penalty of thirty dollars, and in default of payment to imprisonment for a period not exceeding thirty days.

Not to exempt  
from license  
fee.

(2.) Nothing in this section shall be taken or construed to relieve any person from the payment of the license fee required by this ordinance.

#### SCHEDULE.

##### LICENSE FEES.

- For a license for a travelling circus or menagerie, hippodrome, or other like travelling public show, for each day .....\$200
- For a license fee to exhibit wax works, menageries, circus-riding, rope-walking, dancing, tumbling, or other acrobatic or gymnastic performance, wild animals, sparring, boxing, sleight of hand, legerdemain, jugglery or other like tricks, pictures, painting, statuary, works of art, natural or artificial curiosities, tableaux, wonderful animals or freaks of nature, or any other exhibition kept for hire or profit when the same is exhibited elsewhere than in a theatre, music or concert hall or other building or place duly licensed, for each day of such exhibition a fee of not less than \$2, or more than \$10
- For an annual license to keep for hire or profit a theatre, music or concert hall, or other building or place which is used for theatrical, dramatic or other like amusements, not less than \$25 or more than .....\$1000
- For a license for the performance of any troupe or company of actors, musicians or dramatic or musical performers, not being residents of the City, when such performance is given elsewhere than in a licensed theatre, music or concert hall, building, tent or other place, for such performance, a fee of not less than \$5, or more than.... \$10
- For a license for keeping or operating an indoor shooting gallery or rifle range for profit, an annual fee of not less than \$1.00 a month, or more than, per month ..... \$15
- For a license for keeping any other place of amusement or entertainment where money is charged on admission or for participation in any amusement, an annual fee of not less than \$10 a month, or more than ..... \$50
- Every performer of street music, or other street performance, for one year or fraction thereof, ending on the thirtieth day of April... \$25
- For a license to operate a merry-go-round, for every day ..... \$ 5

No. 21.

PETTY TRADES.

1. Every license to carry on any of the petty trades mentioned in the provisions of the City Charter shall specify the particular trade which the licensee is thereby authorized to carry on. Particular trade to be specified.

2. No license shall be issued to any person proposing to carry on any such petty trade with a horse and wagon, or other vehicle, until such horse, vehicle and harness have been inspected and approved by the Board of Control, or some person appointed by them in that behalf, and a certificate of such approval produced to the clerk. Inspection of vehicles, etc.

3. A record shall be kept by the clerk of every license granted, with the number of each one, which number shall be inserted in the license. Record.

4. Every license holder shall, while conducting his business, wear in a conspicuous place on the outside of his outer garment, a suitable metal badge to be approved by the mayor, with the number of his license thereon, and shall also keep such number painted or affixed in a conspicuous manner on every vehicle or boat used by him in the said business. Badges.

5. No licensee shall permit his badge, or any vehicle or boat numbered, to be used for business by any person other than his servant or some member of his family for the benefit of the licensee. To be used only by owner or servants.

6. No licensee or any person in his employ shall cry his wares to the disturbance of the public. Crying wares.

7. Every person who contravenes or fails to comply with any of the provisions of this ordinance, shall for each such offence be liable to a penalty not exceeding ten dollars, and in default of payment to imprisonment for a period not exceeding one month. Penalty.

8. The fees payable for licenses to carry on petty trades shall be as follows:— Fees.

For peddler, hawker, or petty chapman.....	\$ 8
For do with handcart or wheelbarrow .....	12
For do with horse and cart.....	20
Each additional horse .....	10
Coal hawker, (to sell coal only).....	5
For selling goods from any open boat or other open craft.	10

## No. 22.

## BILL POSTERS AND THE POSTING OF BILLS.

Interpretation  
of terms.

1. In this ordinance the expression "bill poster" means every person who posts by pasting, tacking, painting or otherwise, or who circulates from house to house or distributes upon the streets, any advertising matter, bills, posters, pictures or any other thing, matter or device whatsoever, advertising the business of any person, firm or corporation, or of any entertainment; but does not mean a sign painter painting any sign for a shop or office or building, or a sheriff or other officer of the law posting any notice by law required to be posted by him; and the expression "post bills or placards," means the business or occupation of a bill poster as so defined, and the expression "bill or placard" means such advertising matter as hereinbefore defined.

License  
required.

2. No person shall do business as a bill poster or post any bill or placard without having first obtained a license therefor.

## Terms.

3. Every such license shall be granted by the Council and signed by the mayor and clerk, and issued by the clerk, and shall be in force until the 30th day of April next succeeding the date of issue and no longer.

## Renewals.

4. The clerk may without a resolution of the Council issue a renewal license to any person to whom a license has been granted by the Council, unless the Council otherwise directs.

## Fee.

5. The fee payable for every such license or renewal shall be twenty-five dollars (\$25.00).

## Badges.

6. Any person employed to post bills by any licensed bill poster shall wear a badge, which shall be furnished by the City on payment of one dollar.

Posting with-  
out permis-  
sion pro-  
hibited.

7. No person shall post any bill or placard upon any post, hydrant, curb, sidewalk or other public property on any street, or upon any building or structure the property of the City, without permission so to do having been given by the Council, or upon any other building, fence, post, or other structure or erection unless the same is the property of the person so posting, or permission to post on the same has been given by the owner.

8. No person shall scatter any bills or other advertising matter on any street, or on any park, square or other public place. Scattering bills prohibited.

9. No person shall post any bill or placard containing any picture or reading matter of an obscene or immoral character. Obscene matter.

10. Every person who contravenes or fails to comply with any provision of this ordinance, shall for each such offence be liable to a penalty not exceeding twenty dollars (\$20.00), and in default of payment to imprisonment for a period not exceeding one month. Penalty.

### No. 23.

#### CHIMNEY SWEEPS.

1. The fee payable for a license to do business as a chimney sweep shall be five dollars. License fee.

2. The rates for chimney sweeping shall be those stated in the schedule to this ordinance. Rates.

3. Every licensed chimney sweep shall sweep any chimney when requested so to do. To sweep any chimney.

4. No person shall employ any person, except a servant in the house or building, other than a licensed chimney sweep to sweep any chimney. Employment.

5. If any chimney, flue or stove-pipe takes fire, the occupant of the building in which such fire occurs, shall be liable to a penalty, unless it appears that the chimney or flue had been properly swept within sixty days before the fire, or in the case of a stove-pipe that proper care had been taken to prevent fire, and that it was an unavoidable accident. In the case of the occupant being a monthly or weekly tenant the owner of the building shall be liable to the penalty. If any such fire occurs within sixty days after the chimney or flue was swept by a licensed sweep, such sweep shall be liable to a penalty unless it appears that the fire was not occasioned by insufficient sweeping. Liability in case of fire.

6. Every licensed sweep shall keep a book and enter therein the names of the persons whose chimneys he sweeps, the street and number of the building, and the date of sweeping. Book to be kept.



Boys, employment of prohibited.

**7.** No boy shall be employed to enter any chimney for the purpose of sweeping the same. Every chimney shall be swept only by machines constructed for that purpose.

Soot.

**8.** Proper precautions shall in every case be taken to prevent injury to the premises from soot, and the sweep shall remove all soot from any premises in which he has been employed.

Place of business.

**9.** Every licensed sweep shall have an office or place of business with a sign indicative of the business.

Badges.

**10.** Every apprentice or boy employed by a licensed sweep, shall, when at work, wear in some conspicuous place a badge inscribed with the name of the person employing him.

Penalty.

**11.** Every person who contravenes or fails to comply with any provision of this ordinance, or does, or suffers anything in respect to which a penalty is imposed, shall for each such offence be liable to a penalty not exceeding five dollars, and in default of payment to imprisonment for a period not exceeding one week.

#### SCHEDULE.

##### FEES TO BE TAKEN BY CHIMNEY SWEEPS.

For every chimney or flue not exceeding two stories in height....	50 Cts.
For every additional chimney or flue in the same building, and not exceeding two stories .....	25 do.
For each additional story.....	10 do.

#### No. 24.

##### DOGS.

Interpretation

**1.** In this ordinance—

- (a) the expression “dog” includes bitch.
- (b) the expression “owner” includes every person on whose premises a dog commonly lives, whether the property of such person or not.

Registration required.

**2.** Every owner of a dog which is six months' old or upwards, shall register such dog with the clerk on or before the 1st day of May in each year, the fee for such registration shall be two dollars.

Between 1st May and 1st July.

**3.** The owner of any dog who has not registered him on the 1st day of May in any year may register such dog at any

time up to the 1st day of July next succeeding for the sum of two dollars, and may register him at any time after the said 1st of July for the sum of four dollars.

4. Any dog which is not six months old on the 1st day of May in any year, but which reaches that age before the 1st of July next succeeding, shall be registered by his owner on or before the 1st day of July. The fee for such registration shall be two dollars. Dog six months old.

5. The clerk shall keep a record of all dogs registered, shewing the date and number of registration, and the name and description of the dog with the name and address of the owner. Record.

6. The clerk shall supply each registered owner with a metal tag for each dog registered with the number of the registration stamped thereon, and the owner of every registered dog shall keep on such dog a collar with the tag attached thereto. Tags.

7. Every owner of a dog who fails to register him as required by this ordinance, shall for each such offence be liable to a penalty not exceeding five dollars, and in default of payment to imprisonment for a period not exceeding ten days, and every day during which such failure to register continues shall be deemed a separate offence. Penalty for not registering

8. No person shall allow any dog being his property to run at large in the City unaccompanied by some person in charge thereof, and the fact that any dog is so found running at large shall be evidence that such running at large was done by the permission of the owner. Running at large.

9. Any dog not registered, and any dog found running at large unaccompanied by any person in charge thereof, and any dog not wearing a collar and tag as hereinbefore provided, may be captured and impounded as hereinafter provided. Capture of dogs when at large.

10. No dog shall be allowed to enter the public gardens, and any dog found therein may be captured and impounded. Public Gardens.

11. The Council may establish one or more pounds for dogs, and may appoint keepers thereof. Pounds.

12. Any dog not registered, any dog found running at large, or without any collar and tag, and any dog found in the Public Gardens, may be captured by any police officer or by any person appointed by the mayor in that behalf and placed in one of the pounds so established. Impounding of dogs.

Keepers  
duties.

**13.** The keeper of a dog pound shall receive all dogs delivered to him, and shall detain the same and furnish them with food and water.

Redemption.

**14.** The owner of any dog impounded may, upon proving his ownership thereof, and the payment to the clerk of the registration fee, if the dog is not registered, and a fine of two dollars, redeem the same from the pound.

Sale.

**15.** Any dog which has not been so redeemed for the period of seventy-two hours, may, after the expiry of that period, be sold by the pound keeper for the best price obtainable.

Registration  
of dogs taken  
from pound.

**16.** Any person resident within the City purchasing an unregistered dog from a pound keeper, shall register the dog before taking him from the pound.

Destruction of  
dogs.

**17.** Any dog which cannot be so sold may be killed by the pound keeper in such a manner as the Council directs.

Dogs may be  
killed if cap-  
ture impossi-  
ble.

**18.** In any case in which a dog may be captured and impounded, any person authorized to capture such dog may kill him if he is unable to capture him.

Malicious,  
or trouble-  
some dogs.

**19.** (1.) If any dog—

- (a) without provocation or other excuse bites or attacks any person, or
- (b) persistently disturbs the quiet of any neighborhood by barking, howling, or in any other manner, or
- (c) persistently annoys the riders or drivers of horses or bicycles by running at horses or bicycles.

a complaint may be made to the clerk, who shall issue a summons to the owner of the dog, calling upon him to appear in the police court and show cause why such dog should not be destroyed or sent out of the City, which summons shall be served upon the owner not less than two clear days before the day fixed for the hearing.

(2.) On proof of such service the stipendiary magistrate may inquire into the matter, and if satisfied that such attack was made without provocation, or that the dog disturbs the neighborhood, or annoys the riders or drivers of horses or bicycles, as the case may be, may order that the dog shall be sent out of the City or destroyed within a time to be specified in the order not less than twenty-four hours, and that for failure to comply with such order such owner shall for every day during which such failure continues be liable to a penalty of one dollar, or in default of payment to imprisonment for a period of one day.

(3.) The magistrate may also specify a date in such order when such owner shall appear before him and satisfy him that such order has been complied with, and may impose a penalty not exceeding ten dollars, or in default of payment imprisonment not exceeding ten days for failure so to appear.

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No. 25.

HORSES, CATTLE, SWINE, ETC., AND POUNDS.

1. No cow shall be kept in or within one hundred feet of Cow district. the part of the City described as follows:—Beginning at a point on the shore of Halifax Harbor opposite the eastern end of the south side line of Inglis street; thence running by the southern side line of Inglis street to the western side of the Tower Road; thence by the said western side line of the Tower Road until it reaches Morris street; thence by the southern line of Morris street to Robie street; thence by the western side of Robie street to North street; thence by the north side of North street, and a line in continuation thereof to the harbor; and thence by the several courses of the harbor to the place of beginning.

2. No swine shall be kept within the part of the city Swine district. described as follows:—Beginning at a point formed by the junction of the prolongation of the north side line of Duffus street with the western shore line of the Harbor of Halifax; thence westerly by the said north line of Duffus street to Longard Road; thence southerly by the western line of said Longard Road to the junction of Longard Road and Young street; thence westerly by the northern side of Young street to McCullough street; thence southerly by the western side of that street and Oxford street to Oaklands, Belmont, Marlborough Park property and Maplewood, to Francklyn street, to Old Penitentiary property; and thence by the northern side of that property to the shore of the North West Arm; thence southerly by the shore of the Arm to Point Pleasant, thence by the western shore of the harbor to the place of beginning.

3. Every person who keeps any cow or swine in contra- Penalty. vention of this ordinance, shall for each day any such animal is so kept be liable to a penalty of one dollar.

4. There shall be two or more public pounds established Pounds. in such parts of the City as the Council from time to time determines.



Keepers.

5. The Council, on the recommendation of the Board of Control, shall appoint a pound keeper for each pound who shall hold office during pleasure, and perform his duties under the direction of the said Board.

Straying prohibited.

6. The owner of any horse, bull, ox, cow, sheep, pig or goat, or any goose or poultry, shall prevent such animal or bird from going at large on any street, or on any wharf or landing, or on the Common or other public place, or on any private property without the consent of the owner of such property.

Penalty.

7. Every such owner who fails to prevent any such animal or bird owned by him from going at large in contravention of this ordinance shall for every day on which such animal or bird goes at large, be liable to a penalty of one dollar, and in default of payment, to imprisonment for one day.

Impounding.

8. Any person may impound any such animal or bird found going at large in contravention of this ordinance in any pound established by the Council, and the owner of such animal or bird shall not be entitled to receive back the same from the keeper of the pound until he has paid to him the fees and charges set out in the schedule hereto.

Record.

9. The Clerk of Works shall furnish each pound keeper with a book in which the pound keeper shall enter the description of every animal or bird impounded by him, with the name of the person who took or sent the same to be impounded, the day and hour on which he received the same the day and hour on which the same was redeemed, and the fees paid by the person redeeming the same, or the proceeds of the sale (if any made), and each pound keeper shall, on or before the first day of every month in the year make a return to the Board of Control in writing of the number and description of all animals or birds received by him during the month preceding each return, with the names of the persons taking the same to pound, the days when the same were redeemed, and any other information he deems necessary, which return shall be verified, and shall be in the form "A" to this ordinance annexed, or as near as may be.

#### SCHEDULE.

##### FEES AND CHARGES PAYABLE TO POUND KEEPERS.

Every horse, bull, ox, cow or other cattle, pig, sheep or goat.....	25 Cts.
Every goose or poultry bird .....	10 do.
For providing food and water for animals, after the expiration of six hours, viz.:-	
Every horse, per day, or less .....	30 do.
Every bull, ox or cow, per day or less .....	30 do.
Every sheep, pig or goat, per day or less .....	10 do.
Every goose or poultry bird, per day or less.....	5 do.

For the use of the pound:—

Every horse, per day or less .....	30 do.
Every bull, ox, cow or other cattle .....	30 do.
Every sheep, pig or goat .....	10 do.
Every goose or other poultry bird .....	2 do.

The person driving the animals, geese or poultry mentioned in this ordinance to the pound, shall be entitled to the following fess, viz:—

Every horse, bull, ox, cow or other cattle .....	35 do.
Every pig, sheep, goose or other poultry bird .....	5 do.

FORM "A."

FORM OF RETURN OF THE POUND KEEPER.

For \_\_\_\_\_, for the month of \_\_\_\_\_ A. D., 19 \_\_\_\_

Day received by pound-keeper.	Description of Distress.	For what cause impounded.	By whom brought to pound.	Amount received as damages or penalty.	Penalty paid.	When redeemed and by whom.

I, \_\_\_\_\_ pound keeper of \_\_\_\_\_ pound, do solemnly declare that the above return is correct and true, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Canada Evidence Act.

Declared before me at the City of Halifax, this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 19 \_\_\_\_ J. P. \_\_\_\_\_

No. 26.

THE STORAGE OF PETROLEUM AND NAPHTHA.

1. The Council may from time to time, as occasion requires, designate a building, or buildings, within the City, to be used for the storage of petroleum, naphtha, or other inflammable oil. Petroleum warehouse.

2. Every person bringing into the City any petroleum, naphtha or other inflammable oil shall, within forty-eight hours after the same has been so brought in, or after inspection thereof by the officers of His Majesty's Customs or Inland Revenue at Halifax, store the same in a building so designated by the Council. Petroleum, &c., to be stored.

Quantities  
limited.

3. No person shall at any time have in any building, other than one so designated, more than ten gallons of naphtha, or more than six barrels of petroleum or other inflammable oil.

Penalty.

4. Every person who contravenes or fails to comply with any provision of this ordinance, shall for each such offence be liable to a penalty not less than twenty dollars or more than eighty dollars, and in default of payment, to imprisonment for a period not exceeding ninety days.

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### No. 27.

## WEIGHING OF HAY.

Hay weighers.

1. The Council on the recommendation of the Board of Control may appoint one or more persons to be weighers of hay.

Hay to be  
weighed.

2. All hay brought into the City for sale or delivery in the City, shall, if required by the purchaser, be weighed by one of the city weighers of hay.

Loose hay.

3. All loose hay shall be weighed on scales and by a person appointed by the Council, and all bundles of hay weighed under this ordinance shall have the weight of the bundle affixed thereto by the weigher in such a manner as cannot readily be removed.

Hours of  
weighers.

4. It shall be the duty of every weigher of hay, when notified that his services will be required, to attend at the railway depot, or cotton factory, between the hours of seven o'clock a. m., and six o'clock p. m. each day, and at any wharf on the arrival there of a vessel with hay, and at such other places where the hay is sold or where the same is to be weighed.

Record.

5. Every weigher of hay shall keep a true and correct record of the number of bundles or quantity of hay weighed by him, the person from whom it was purchased, to whom sold, the name of the person taking possession of the same, the weight marked on the bundle, and the true weight of the same.

Certificate to  
be given.

6. Every weigher of hay shall deliver to the purchaser or person taking delivery, a certificate signed by him, showing the weight of such hay, which should correspond with that marked on each bundle by him; but in case of any discrepancy between the number so marked on the bundle and the certificate, the number on the certificate shall be taken as the correct one.

7. Every weigher of loose hay shall receive twenty-five <sup>Fees.</sup> cents for weighing each load of hay, to be paid by the purchaser to the weigher, and every weigher of bundle hay shall receive one cent for each hundredweight contained in each bundle, which said fees may be recovered by the weigher in an action of debt in his own name, in any court having jurisdiction.

8. Any person taking delivery of, or who removes any hay before the same is weighed, as provided by this ordinance, or any purchaser or seller refusing to pay the fees for weighing such hay, shall be liable to a penalty not exceeding forty dollars, and in default of payment to imprisonment for a term not exceeding sixty days. <sup>Penalty for removal of hay unweighed.</sup>

9. Any weigher violating any provision of this ordinance, shall be liable to a penalty not exceeding five dollars for each offence, and in default of payment to imprisonment for a term not exceeding thirty days. <sup>Penalty for weigher.</sup>

10. Every dealer selling hay by the bundle shall have the weight marked on each bundle, and any dealer selling hay short weight shall be liable to a penalty not exceeding five dollars for each bundle so sold, and in default of payment to imprisonment for a term not exceeding ten days. <sup>Weights to be marked.</sup>

11. Nothing shall be deemed short weight unless the deficiency exceeds the natural shrinkage in weight of two pounds in the hundred. <sup>Allowance for shrinkage.</sup>

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## No. 28.

### THE WEIGHING OF COAL AND COKE.

1. The Council, on the recommendation of the Board of Control, shall at the time appointed for making the yearly appointments, or at such other time as is necessary, appoint as many fit and proper persons as it deems requisite to be weighers of coal or coke, and a fit and proper person to be a supervisor of weighers, who shall ex officio be a coal weigher. <sup>Coal weighers appointment of.</sup>

2. Every person so appointed shall, before entering on the duties of his office, take an oath before the mayor, faithfully to perform the same. <sup>Oath of office.</sup>

3. No person shall sell from shipboard, store, yard, wharf or depot, any coal by retail without having the same weighed by one of the said coal weighers. <sup>Coal to be weighed.</sup>



Sales to be  
by ton.

**4.** All coal or coke so sold by retail shall be sold by the ton weight of two thousand pounds avoirdupois and its subdivisions.

Certificate.

**5.** The weigher weighing any coal or coke shall furnish the truckman or other person taking delivery thereof a certificate signed by the weigher, stating the weight of each load of coal or coke so delivered.

Penalty for  
delivery un-  
weighed.

**6.** Any person selling coal, who delivers or permits to be delivered, any coal or coke without the same having been weighed and a certificate given therefor, shall for each offence be liable to a penalty of five dollars; and each ton or fraction thereof so delivered shall be a separate offence.

Fees.

**7.** The coal weighers shall be entitled to receive from the persons selling the coal or coke weighed by them five cents for each ton weighed by them.

Weigher to  
attend at only  
one place.

**8.** If any coal weigher undertakes to attend the weighing of coal or coke from more than one store, yard, wharf or depot at the same time, he shall be liable to a penalty not exceeding ten dollars.

Penalty for  
selling coal by  
false name.

**9.** Any person who wilfully sells any coal under any name or designation other than that of the locality or mine from which the same comes, shall be liable to a penalty not exceeding forty dollars.

Certificate of  
mine.

**10.** Any ship master, importer or other person bringing coal into the City, shall exhibit on demand thereof to any person desirous of purchasing coals a certificate from the proprietor or shipping office of the mine from which such coal has been shipped, stating the name or locality, or other known designation of such coals and the date of shipment thereof.

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## No. 29.

### THE EARLY CLOSING OF SHOPS.

Shops required  
to be closed,  
and hours.

**1.** From and after the first day of January, A. D. 1903, all boot and shoe shops, tailoring and clothing shops, book-sellers' and stationers' shops, carpet and house furnishing shops, men's clothing and furnishing shops, and hat shops within the City shall be closed on Tuesday, Wednesday and Thursday of each week (except an evening preceding a holiday) at the hour of six-thirty of the clock, and shall be kept closed until five o'clock on the morning of the following day; and the occupiers in charge of such respective shops shall

close and keep such shop closed within the hours hereinbefore provided for the same being closed and remaining closed.

**2.** Any person who violates the provisions of this Penalty. ordinance shall for each offence be liable to a penalty of not less than one, nor more than twenty dollars, or in default of payment to imprisonment for one day for each dollar of the penalty imposed.

**3.** Nothing in this ordinance shall render the occupier of such shop liable to any penalty or imprisonment for supplying any article required for immediate use by reason or because of any emergency arising from sickness, ailment or death; but nothing in this section contained shall be deemed to authorize any person whomsoever to keep open any of the said shops after the hour appointed by this ordinance for closing of such respective shops. Emergency excepted.

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### No. 30.

#### CITIZENS' FREE LIBRARY.

Any person who wilfully or maliciously cuts, writes Penalty for injuring books. upon, injures, defaces, tears or destroys any book, magazine, periodical, newspaper, plate, picture, engraving or other property belonging to the Citizens' Free Library, shall for every such offence be liable to a penalty of not less than five nor more than fifty dollars, and in default of payment, to imprisonment for a period not exceeding one month.

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### No. 31.

#### INDECENT BATHING

No person shall bathe in any part of the Harbor, including Penalty for indecent bathing. the North-West Arm and Bedford Basin, near to any wharf, slip or dock, or to any street or road, or otherwise exposed to the view of the public, without bathing clothes; and any person who fails to comply with this ordinance shall for each offence be liable to a penalty not exceeding ten dollars, and in default of payment to imprisonment for a period not exceeding ten days.

## No. 32.

## COMMUTATION OF LEASES OF COMMON LOTS

Prices to be  
paid on com-  
mutation of  
Common lots.

The prices to be paid for commutation of the leases of the half acre lots in the South Common, held under chapter 13 of the Acts of 1898, and for any portion of any such lot shall be the following:—

(1.) For any lot or portion of a lot fronting on Spring Garden Road, the price shall be a sum equal to twenty-five years' rental under the original lease from the City.

(2.) For any lot or portion of a lot fronting on Carleton Street, the price shall be a sum equal to twenty-two years' of such original rental.

(3.) For any lot or portion of a lot fronting on College Street, the price shall be a sum equal to twenty years' of such original rental.

(4.) Upon any commutation the amount of rent in arrear due to the City shall be added to the price.

(5.) If commutation is desired for a portion of a lot only the price to be paid, including any amount for arrears of rent, shall be determined by the proportion borne by the area of such portion to the area of the lot of which it forms part.

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SUPPLEMENT

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BY-LAWS

OF THE

CITY HEALTH BOARD

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## BY-LAWS OF CITY HEALTH BOARD.

In these by-laws of the City Health Board unless the con- Interpretation generally.  
text otherwise requires—

The expression “the Board” means the City Health Board;

The expression “the medical officer” means the Medical Officer of the City;

The expression “inspector” means any sanitary inspector appointed by the board.

### No. 1.

#### PREVENTION OF EPIDEMIC DISEASE.

##### REPORT, ISOLATION AND OTHER PRECAUTIONS.

**1.** The medical officer shall provide every physician prac- Blank forms to be provided  
tising in the City with blank forms, on which to report to the medical officer any case of diphtheria, small pox, scarlet fever, cholera, measles, whooping cough, typhoid fever, or any other disease dangerous to the public health.

**2.** Whenever any physician knows that any person whom Physicians to report infectious cases.  
he is called upon to visit is infected with cholera, small pox, diphtheria (including diphtheretic croup), scarlet fever, typhoid fever, or any disease dangerous to public health, such physician shall, within eighteen hours, give notice thereof in writing to the medical officer.

**3.** Whenever any person within his or her family or Householders to report.  
household has small pox, diphtheria, scarlet fever, cholera, typhoid fever, or any disease dangerous to the public health, he shall, within eighteen hours, give notice thereof to the medical officer, and such notice shall be given in writing, either at the office of such officer, or left at his dwelling. In any prosecution or proceeding for a contravention of this section it shall not be requisite for the prosecution to prove that the person accused knew that he was infected with any disease dangerous to the public health, but if the accused establishes to the satisfaction of the magistrate that he did not know and had no reasonable grounds for suspecting that he was so infected the magistrate may acquit him.

**4.** The medical officer, within six hours after he has Placard to be affixed.  
received a notice of the existence of cholera, small pox, diph-

theria, scarlet fever, or any other disease dangerous to public health, in any household, shall affix, or cause to be affixed by an inspector, near the entrance of such house, a card, at least nine inches wide and twelve inches long, stating that such disease exists in the house, and stating the penalties for removal of such card without permission. Every person who without due authority removes, destroys, defaces, or covers any placard so affixed shall be liable to a penalty under this by-law.

Permit to  
enter infected  
houses.

5. When, in the opinion of the board, it is necessary to appoint sanitary police, for the purpose of guarding disease, the medical officer shall furnish permits in blank, with his signature, and the physician attending the patient shall write in such blank forms the name and address of the patient attended by him, and on presenting the same to the sanitary officer in charge, he shall allow such physician to enter the house of the patient, and the officer, after his services cease at such house, shall return the permit to the clerk of the board.

Clothing, &c.,  
not to be  
removed.

6. No person, in whose dwelling there occurs any of the above mentioned diseases, shall permit any clothing or other property to be removed from his house without the consent of the board or the medical officer.

Persons in-  
fected not to  
be removed.

7. No person sick with any of the diseases above specified shall be removed at any time except by permission of the medical officer or a member of the board, nor shall any occupant of any house in which there exists any of the above diseases, except typhoid fever, change his or her residence to any other place without the consent of the medical officer or the board, who shall in either case prescribe conditions of such removal.

Attendants  
&c., to be isol-  
ated, &c.

8. Except an attending physician, or clergyman, or an official of the board, no person shall leave or enter any house quarantined for scarlet fever, diphtheria, cholera, smallpox, or any disease dangerous to public health, until such sanitary precautions as the board or the medical officer prescribes have been complied with.

Every person who contravenes or fails to comply with this by-law shall for each such offence be liable to a penalty not exceeding ten dollars, and in default of payment to imprisonment for a period not exceeding ten days.

Suspected  
cases, action  
in case of

9. Where there is reason to suspect that any person who has smallpox, diphtheria, scarlet fever, cholera, typhoid fever, or any infectious or contagious disease, is in any house or other building, or in or upon any railway, car, stage or other conveyance, the medical officer, or any sanitary inspector or

any member of the board, may enter such house, building or conveyance and cause any such person to be removed therefrom, and may detain the conveyance until it is properly disinfected, or such officer or member may, if he thinks fit, remain on or in such conveyance (with any assistance he requires) for the purpose of disinfecting the same.

**10.** If any person coming from abroad into, or residing in the City, is infected, or lately before has been infected with or exposed to any of the said diseases, the medical officer, or the board may make effective provision for isolating such person by removing him to a separate house, or in such other way as the medical officer or the board deems fit, if the same can be done without danger to the health of such person, and may provide nurses and other assistance and necessities for him, at his own cost and charge, or the cost of his parents, liable for his support, if able to pay the same, otherwise at the cost and charge of the City.

Infected persons from abroad, isolation of.

**11.** Any person recovering from any of the said diseases, and any nurse who has been in attendance upon any person suffering from any such disease, shall not leave the premises until he has received from the medical officer a certificate that in his opinion such person or nurse has taken such precautions as to clothing, and any other thing which it is proposed to bring from the premises, as are necessary to insure the immunity from infection of other persons with whom such person or nurse may come in contact, nor shall any such person or nurse expose him or herself in any public place, shop, street, hotel, inn, or public conveyance, without first having adopted such precautions.

Convalescents, certificate in case of.

**12.** No person suffering from, or having very recently recovered from, smallpox, diphtheria, scarlet fever, cholera, measles, or any disease dangerous to public health, shall expose himself, nor shall any person expose any other under his charge who is suffering, or has recently recovered from, any such disease, in any public conveyance.

Not to use public conveyances.

**13.** Should any such person so affected make use of such conveyance, the owner or person in charge must not, after the entry of any person so infected into his conveyance, allow any other person to enter without having sufficiently disinfected it under the direction of the board, or the supervision of the medical officer, or an inspector.

Disinfection of vehicles.

**14.** No person shall give, lend, transmit, sell or expose, any bedding, clothing or other articles likely to convey any of

Infected clothing.



the above diseases, without having first taken such precautions as the board or the medical officer directs.

Destruction of  
bedding, etc.

**15.** The board may, as it thinks proper, order the destruction of any bedding, clothing or other articles which have been exposed to infection, and, if it deems proper, give reasonable compensation for the same.

Infected  
houses, disin-  
fection of

**16.** No person shall let or hire any house or room in a house in which any of the said diseases has recently existed, without having first caused the house and the premises used in connection therewith to be disinfected to the satisfaction of the medical officer, and for the purposes of this section the keeper of a boarding-house, lodging-house, or hotel, shall be deemed to let for hire part of a house to any person admitted as a guest into such hotel, boarding-house or lodging-house.

Teachers to be  
notified by  
parents.

**17.** Whenever a case of small-pox, cholera, diphtheria, scarlet fever, scarletina, measles, or any disease dangerous to the public health exists, in any house or household from which any person is attending school, the householder shall, within twelve hours of the time such disease is known to exist, notify the head teacher of such school or schools, and also the medical officer, of the existence of such disease; and no member of such household shall attend school until a certificate has been obtained from the medical officer that infectious disease no longer exists in the house, and that the house, clothing, and other effects, have been disinfected to his satisfaction, and until such certificate has been obtained, it shall be the duty of every member of such household, and of the teacher, to use all reasonable efforts to prevent the association of members of the said household with other children.

Board to  
notify teach-  
ers.

**18.** Whenever the board, or any of its officers or members, knows of the existence in any house of small-pox, cholera, scarlet fever, scarletina, diphtheria, measles, or any disease dangerous to the public health, they shall at once notify the head or other master of any school at which any member of the household is in attendance; and if it is evident that such member has been exposed to any such disease, the teacher shall forthwith prevent the further attendance of such member until he or she presents a certificate from the medical officer, stating that infectious disease no longer exists in such household.

Teacher to  
notify medical  
officer.

**19.** Whenever a teacher in any school has reason to suspect that any pupil has, or that there exists in the house of any pupil, any of the above-mentioned diseases, he shall be required to notify the medical officer, on a form supplied by the school authorities, in order that evidence may be had of the truthful-

ness of the report, and he shall further be required to prevent the attendance of such pupil until evidence of the falsity of the report has been established.

**20.** If small-pox, or any disease dangerous to the public health, breaks out in the City, the board shall immediately provide such temporary hospital tent, or other place or places for reception of the sick and infected as it deems best, for the accommodation of the sick and infected, and the safety of the inhabitants, at the cost of the City, and for that purpose may:—

Temporary hospitals.

- (a) themselves erect such hospital tents, hospitals, or places of reception; or
- (b) construct or hire a temporary building for use as such hospital, or part of a hospital, or place of reception; or
- (c) enter into any agreement with any person having the management of any hospital for the reception of the sick inhabitants, upon the payment of such annual sum as is agreed on.

**21.** Any such temporary hospital or place of reception shall be subject to any regulations made in that behalf by the board.

Regulation of same.

**22.** When it is brought to the notice of the board that there is any sick person having any contagious or infectious disease, in any house, building or place, or in any vessel, in which he can not be properly accommodated and attended, the board or the medical officer may remove such person to the hospital provided for such disease.

Removal of infected persons to same.

**23.** When the dangerous conditions of any residence cannot be promptly remedied, the board or medical officer may remove any inmate unattacked by disease to some lodging.

Removal of persons not affected.

**24.** Every person dying of small-pox, cholera, diphtheria, scarlet fever, or other infectious or contagious disease shall be buried within twenty-four hours after death, and in every such case the funeral shall be strictly private.

Burials.

#### COMPULSORY VACCINATION.

**25.** In the following sections of this by-law relating to compulsory vaccination, the expression "parent or custodian," when used in relation to any child means—

Interpretation of terms respecting compulsory vaccination.

- (a) the father of such child, if the father is living and has the support or custody of the child, or,

- (b) the mother of such child, if the father is not living or does not have the support or custody of the child, and the mother has the support or custody of the child, or,
- (c) if neither the father or mother is living, or has the support or custody of the child, then the person who has the support or custody of the child.

Vaccination  
required.

**26.** (1.) The parent or custodian of every child shall,

- (a) if such child is born within the City within one year after such birth and again on the twelfth year of its age, or,
- (b) if such child is brought into the City while it is under the age of seven years, within six months after the child is so brought in,

cause such child to be duly vaccinated by some legally qualified medical practitioner who shall duly certify to its successful vaccination, and such certificate shall be filed with the medical officer.

Certificates.

(2.) Upon any such certificate being so filed the medical officer shall, without any charge therefor, give to the person filing the same a certificate, and if required at any time thereafter, a duplicate of such certificate, that such child has been successfully vaccinated, and in any action or proceeding for not vaccinating such child, the production of any such certificate, without proof of the handwriting of the medical officer, shall be sufficient evidence of the child having been successfully vaccinated.

Certificates of  
unfitness.

**27.** (1.) If any legally qualified medical practitioner is of opinion that a child brought to him for vaccination is not in a fit and proper state to be successfully vaccinated, he shall deliver to the parent or custodian of the child a certificate under his hand that the child is in an unfit state for successful vaccination.

Renewal of  
same.

(2.) Such certificate shall remain in force for six months from its delivery; and the parent or custodian of the child shall within each succeeding period of six months obtain from a legally qualified medical practitioner a renewal of such certificate, and if the child is not vaccinated during such second period of six months then he shall obtain a renewal for each succeeding period of six months until the child has been successfully vaccinated.

(3.) The production of any such certificate shall be a sufficient defence in any action or proceeding brought against the parent or custodian of the child for not having had the child vaccinated.

**28.** If any duly qualified medical practitioner is of opinion that any child vaccinated by him is <sup>insusceptible</sup> of the vaccine disease he shall give to the parent or custodian of the child a certificate to that effect, the production of which shall be a defence in any action or proceeding against such parent or custodian for not having had the child vaccinated.

**29.** (1.) No parent or custodian shall be liable to any penalty for failing to cause any child to be duly vaccinated, if within the period specified for the vaccination of such child he makes a statutory declaration that he conscientiously <sup>Conscientious</sup> believes that vaccination would be prejudicial to the health of the child. <sup>objections.</sup>

(2.) Such declaration shall be made before the stipendiary magistrate of the City of Halifax, or the chairman of the board, and shall be in the form in the schedule to this section. Before administering the declaration the magistrate or chairman shall read over to the declarant the preamble thereto in the form in the schedule.

(3.) Any person wishing to make such a declaration shall produce to the magistrate or chairman of the board a request in writing to that effect from the secretary of the board, and such request may be in the form of the schedule.

## SCHEDULE.

### PREAMBLE, DECLARATION AND REQUEST.

#### PREAMBLE.

No honest person will thoughtlessly and without due consideration make a solemn declaration that may seriously affect his family or the community in which he lives.

In nearly every action of our lives we are and must be largely guided by a general consensus of opinion, especially when that happens to be the opinion of experts.

Now in the medical profession there are very few who do not believe in the protective value of vaccination. Whatever may be said of a few members of that profession we know that a large proportion of them are men of unquestioned honesty and intelligence, men who would not knowingly mislead the public.

As the general good is and should be the supreme end of all law, those in authority cannot do otherwise than enact vaccination laws, sanctioned by the almost unanimous testimony of experts.

The correctness of their conclusions seem to be borne out by the most reliable statistics. In Germany and Japan where vaccination and re-vaccination are most carefully and thoroughly carried out under government inspection, small pox is almost unknown.

In England where vaccination is fairly well carried out the death rate is 20 per million yearly, as against 3000 before its introduction

In Montreal the opposition to vaccination, chiefly among the French culminated in riots, and in 1885 small-pox carried away 3126 of them in nine months.



In Russia and among the negroes of the Southern States where vaccination is neglected or opposed, small-pox is prevalent and fatal.

In Germany, where vaccination is compulsory, the statistics of the Imperial Health Office show that out of 32,166,169 children vaccinated, there were but two deaths in a million; proving that in the careful vaccination of children the risks are very small and in the opinion of that highly cultivated and scientific nation, not to be weighed against the protection it gives against the ordinary high death rate from small-pox.

In deciding whether or not you will have your child vaccinated you have to consider that those who ought to know best are almost unanimously in favor of vaccination.

Yet in the case of your child you may know of something in his or her history, or constitution, or condition, not so clear to the medical man which may possibly justify you in making the declaration which is permitted by the regulations.

#### DECLARATION.

I, A. B., of Halifax, in the County of Halifax, being the parent or custodian of a child named.....who was born on the.....day of.....(or who is now under the age of seven years and has removed into the City on or about the.....day of.....) do hereby solemnly and sincerely declare that I conscientiously believe that vaccination would be prejudicial to the health of the child, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Canada Evidence Act.

Solemnly declared before me at Halifax, in the County of Halifax, the.....day of.....

.....  
Stipendiary Magistrate of the City of Halifax.

#### REQUEST.

To the Stipendiary Magistrate in and for the City of Halifax:

Sir,—Mr. .... having stated that he is opposed to having his children vaccinated and having expressed the desire to make a declaration to that effect before you, and paid the customary fee, you are hereby requested to administer the oath, after reading to him the preamble adopted by the City Health Board.

(Signed)

*Secretary City Health Board.*

Halifax, N. S.

General vaccination.

**30.** (1.) If the board is of opinion that there is danger of an epidemic of small pox in the City the board may order a general vaccination of all persons resident within the City who have not been vaccinated.

(2.) Any such order shall be published by poster throughout the City, and by publication in at least one newspaper published in the City, and shall come into force at once.

(3.) Upon such order being made the parent or custodian of every child above the age of seven years, and under the support or control of such parent or custodian, shall at once cause such child to be vaccinated or re-vaccinated, and every person not so supported or controlled shall cause himself or herself to be vaccinated or re-vaccinated, and such vaccination or re-vaccination may be proved by certificate in the manner hereinbefore provided.

**31.** No teacher of any private school or teacher of any department in any public school, shall permit any pupil to attend at such school or department until such pupil has produced a certificate from a duly qualified medical practitioner of successful vaccination, or insusceptibility on re-vaccination, within eleven years from the last successful vaccination. Certificates for school children.

**32.** The medical officer shall attend at his office in the City Hall on every Tuesday from noon to one o'clock in the afternoon, and on every Thursday from six o'clock to seven o'clock in the afternoon, and at such other times and places as are deemed requisite by the board, for the purpose of vaccinating free of charge any person the member of a family the collective earnings of which do not exceed six dollars per week. Medical officer to attend for vaccination.

#### TUBERCULOSIS.

**33.** Tuberculosis is hereby declared to be an infectious and communicable disease, dangerous to the public health. Tuberculosis infectious.

**34.** Every medical practitioner in the City shall report in writing to the medical officer the name, age, sex, address and occupation of every person affected with tuberculosis who has been attended by, or come under the observation of such medical practitioner, within one week from the date of the beginning of such attendance or observation. Physicians to report cases of

**35.** The manager, superintendent or physician of every institution attended by pupils or patients, and of every asylum, home or dispensary, shall report or cause to be reported in writing to the medical officer, the name, age, sex, occupation and last address of— Managers &c. to report.

(a) every person affected with tuberculosis under his care, or who has come under his observation, within one week from the date of the beginning of such care or observation, and

(b) of every person so affected about to be discharged from such institution previous to or on the day of such discharge.

**36.** Every person affected with tuberculosis, and the person in charge of any hospital, asylum, home, dispensary or other such institution shall observe the by-laws and regulations of the board for preventing the spread of pulmonary tuberculosis. Infected persons to observe by-laws.

#### EXPECTORATION

**37.** (1.) No person shall expectorate or spit on any sidewalk of any public street or square, or upon any walk or road in any public park or public gardens in the City, or upon the Expectoration in public places prohibited.

floor, platform or steps of any public building, hall, hotel, printing office, school house, church, factory, theatre, market, steam railroad car, electric car, steamboat or barber shop in the City.

(2.) The owner or person having the management or control of any such building, printing office, factory, market, railroad car or electric car, are hereby required to keep permanently posted in each of said places a sufficient number of notices forbidding spitting upon the floors thereof.

Spittoons to  
be furnished.

(3.) The owner or person having the management or control of any factory, barber shop or printing office in the City, where ten or more persons are accustomed to be employed, shall furnish and keep furnished proper receptacles for expectoration. Such receptacles are to be in proportion of one for every two persons so employed, and they are to be cleansed and disinfected at least once in every twenty-four hours.

Penalty.

**38.** Any person or persons or corporation who violates any of the provisions of this By-law, respecting the prevention of epidemic diseases shall, for every such offence, be liable to a penalty not exceeding one hundred dollars, and in default of payment to imprisonment for a period not exceeding three months.

## No. 2.

### THE SANITARY CONDITION OF BUILDINGS.

#### SOIL AND GENERAL SANITARY CONDITIONS.

House built  
on refuse.

**1.** No house shall be built upon any site, the soil of which has been made up of any refuse, unless such soil has been removed from such site, and the site disinfected, or unless the soil has been covered with a layer of charcoal, covered by a layer of concrete at least six inches thick, and of such additional thickness as is requisite under the circumstances to prevent the escape of gases into such proposed house.

Drainage into  
sewer.

**2.** Every lot of land, vacant lot, or other property on which stagnant water accumulates, or abutting on any street or portion of a street on which there is a public sewer, shall be drained into such sewer.

Unsanitary  
condition, notice to remedy.

**3.** (1.) Whenever it appears to the board, or any sanitary inspector, that any building or premises, whether occupied or vacant, is for any cause in such an unsanitary condition as to endanger the public health, the board shall cause a notice to

be given to the owner or occupant thereof, or if there is no occupant, and the owner does not reside within the City, may give such notice by advertisement in one or more public newspapers, requiring such owner or occupant forthwith to put such building or premises in proper sanitary condition, and may, if it is deemed fit, specify the manner in which the same shall be done.

(2.) If the person so notified fails within a reasonable time to comply with such notice, the board may cause the building or premises to be put in proper sanitary condition, and the expense of so doing may be recovered by the board from the owner or occupant by action in the name of the board, and in addition thereto he shall be liable to a penalty as hereinafter provided.

4. (1.) Whenever it appears to the board that any building, or part thereof, occupied as a dwelling house, has become, by reason of the number of occupants, want of cleanliness, the existence therein of an infectious or contagious disease, or other cause, unfit for such purpose, or that it has become a nuisance, or in any way dangerous to the health of the occupants, or to the public, the board may issue a notice in writing to the owner of such building, or any of the occupants thereof, requiring the premises to be put in proper sanitary condition, or, if the board sees fit, requiring the occupants to quit the premises within such time as the board deems reasonable. Buildings unfit for occupation.

(2.) If such notice is not complied with within a reasonable time, the board may

- (a) cause the building or premises to be put in a proper sanitary condition and may recover the cost of so doing from the owner or occupant by action in the name of the board; or
- (b) may remove the occupants forcibly and close up the premises, and in such case the building or premises shall not again be occupied as a dwelling place until put into proper sanitary condition.

#### DRAINS.

5. (1.) Every surface drain from any dwelling shall be well and sufficiently trapped to prevent the escape therefrom of foul air or gas. Surface drains to be trapped.

(2.) No surface drain shall be deemed sufficient for the drainage of the cellars of more than one dwelling-house.



Board may execute work.

6. If the provisions of the next preceding section are not complied with in respect to any property, the board may cause a drain to be constructed therefrom in conformity with such by-law, and may recover the expense of so doing from the owner by action in the name of the board, and for the purposes of such construction, the servants and agents of the board may enter on any property and do thereon all things needful to be done.

Drains, requirements of.

7. Every drain for the reception of sewage or waste water under or in any building, or any connection thereof with any public or other sewer or drain, shall in its plan and construction conform to the following requirements:—

(1.) An effectual hand-hole cleaning trap, of approved description and make, shall be placed in line of drain or soil pipe just before it leaves the premises. It shall be fitted with a cover provided with a clamp and thumb-screw to hold it in place, or it shall be so constructed that a brass screw cleanout can be caulked into it.

(2.) Between such trap and foot of the soil pipe (to be situated as remote as possible from any opening into the house) there shall be connected with the main house drain, for the admission of fresh air, an inlet pipe, four inches in diameter, the mouth of which shall be left open and have a cap, giving an area of one-fourth more than the diameter of the inlet pipe. The inlet pipe junction shall be just inside the house trap, and the air inlet pipe must be carried out through the wall a little above the trap so that it will not interfere with the trap cover. It shall be finished with a return bend at least one foot above the ground and seven feet away from any window, or it shall be provided with an automatic air inlet ventilator that will not allow a back or down draft. Whenever in the opinion of the plumbing inspector such house trap would be liable to freeze, it may be dispensed with and the fresh air inlet will not be required.

(3.) All soil pipes within the walls of any building shall be of cast iron, and continue to at least three feet above any opening in the roof which is within fifteen feet of same, and three feet above any opening into any adjoining building or extension, when such building or extension is within fifteen feet of such pipe, and be left open so that the whole of the inside drainage is thoroughly and constantly ventilated. All soil or vent pipes, when they pass through the roof, must be properly flashed with 5lb. sheet lead, and made water-tight.

(4.) Every soil pipe shall have two cleaning out screws, one to be about twelve inches above and in front of the bend

of the basement floor, and the other between the said bend and the outer wall of the house.

(5.) All drains and plumbing fixtures of any house or other building shall be provided with sufficient traps and vents to prevent gas from the sewer, drain or waste pipes from escaping into any apartment, and each such fixture shall have its own trap, with sufficient vent; such trap shall be placed directly under and as close as possible to the fixture, except that a set of washtubs, not exceeding three, may be drained through one trap.

The size of the traps shall be:—

Water closets, not provided with traps .....	4 in.
Kitchen sinks, urinals, wash trays.....	2 in.
Rain water leaders .....	3 in.
Sinks in factory or workshop .....	2 in.

Surface traps shall be of an approved design that will prevent the back flow of sewage. Rain water leaders shall be trapped and connected to the soil pipe on the inner side of the house trap. A rain-water leader shall not be used as a soil, waste or vent pipe, nor shall any such pipe be used as a leader.

(6.) No fixture shall drain through more than one trap, (main trap excepted); the vent shall be not less than one size smaller than the trap, and no vent shall be less than one and one-quarter inches in diameter; all traps must be protected from syphonage by a special vent pipe.

(7.) No trap vent pipe shall be less than three inches in diameter where it passes through the roof, or where it is exposed on the outside of any building, and all vent pipes after leaving the trap must continue to rise at least four inches above the bottom of any fixture vented, before being connected with or to any other vent, and vent pipes must pass out through the roof or be connected with the soil pipe.

(8.) Every offset must be made at an angle of not less than  $45^{\circ}$  with the horizontal, and every vent line must be connected at the bottom below the lowest fixture with a soil or waste pipe on the drain in such a manner as to prevent the accumulation of rust scale.

(9.) Every vent pipe which passes through the roof must be constructed as hereinbefore provided for a soil pipe.

(10.) Vents of water-closet traps shall be two inches in diameter for a length of twenty feet, and for a greater length three inches.

(11.) No safe-waste, range boiler, refrigerator waste or cistern overflow shall be allowed to connect direct with any drain; the end of such wastes shall be covered by flap valves.

(12.) Waste from bath and basin will not be allowed to connect to water closet bend, but must have a separate fitting or connection to receive the same, except where the bend is iron and situated below the ceiling;

(13.) The waste pipe of bath, basin or any fixture shall not be connected with the trap of a water closet or any other fixture. Exit pipes of all fixtures, except water closets and urinals, shall be furnished with suitable attached strainers. Overflow pipes from fixtures must in each case be connected on the inlet side of the trap.

(14.) The overflow pipe from the water closet cistern shall not be directly connected with the soil pipe of any fixture.

(15.) No pan closet shall be fitted up in any building, and no closet or other convenience which allows the escape into the house of air or gas which has been confined in any part of it, or from the drain or soil pipe, or which allows the accumulation of filth in or about it, shall be fitted up or used.

(16.) Sinks in all hotels, restaurants, boarding houses, laundries or other places where the engineer or inspector of plumbing or other officer approved by the board directs, shall be provided with suitable grease traps.

Separate soil  
pipe and drain

**8.** Every house or building shall have its own separate soil pipe and drain, and such soil pipe or drain shall be so placed as to be always readily inspected without destruction to walls, and the plumber shall be responsible for the proper connection of his work with the system of drainage.

Drainage con-  
nections.

**9.** The connection with the system of drainage shall be made by not less than three feet of cast iron pipe outside the foundation wall, and no two or more houses or buildings shall have a drain in common until such separate drain passes outside the walls of the house or building which it serves. Where buildings are constructed flush with the line of the street two buildings may be connected with one six-inch or larger street drain with a Y junction placed immediately in front of wall.

Connections  
with private  
drains.

**10.** All drains must be properly connected with the private drain, and not covered until inspected. In no case shall the drains between the walls of the house and the street line be laid until the private drain from the street line to the public sewer has first been laid and completed. Changes in direction of soil pipes shall be made with curved pipes, and connections with horizontal pipes shall be made with Y branches.

**11.** No iron pipe shall weigh less than the following per length of five feet:— Weights of  
iron pipe.

6-inch diameter	100 lbs.
5-inch       "	85   "
4-inch       "	45   "
3-inch       "	30   "
2-inch       "	20   "

In buildings of not more than four storeys, 5-inch pipe weighing 12-pounds per foot, and 6-inch pipe weighing 15 pounds per foot, may be used above the cellar floor.

All pipes, traps, bends or fittings shall be of good quality, and shall be free from flaws or defects, and shall be of uniform thickness. No inverted joints of any kind will be allowed below any fixture.

**12.** Every connection between lead and cast iron pipe shall be made with brass ferrules, properly gasketted, leaded and caulked into the soil pipe, and every connection between lead and wrought iron pipe shall be made with brass soldering nipples, with properly wiped joints, and washer couplings will not be permitted. Ferrules for four-inch pipes shall weigh not less than  $2\frac{1}{2}$  lbs; for three-inch pipe not less than  $1\frac{3}{4}$  lbs., and for two-inch pipe not less than  $1\frac{1}{2}$  lbs; each ferrule shall not be less than four inches in length. All lead pipes shall have properly wiped joints. Where the trap to closet is above the floor the connection of the same to the soil pipe shall be made of brass and rubber, the brass flange to be not less than three-sixteenths of an inch thick, and cast. Ferrule con-  
nections.

**13.** No lead waste or vent pipe shall weigh less than the following:— Weights of  
lead pipe.

1 inch in diameter	6 lbs. per yard.
$1\frac{1}{4}$ inch       "	7       "
$1\frac{1}{2}$ inch       "	8       "
2 inch       "	$10\frac{1}{2}$ "
$2\frac{1}{2}$ inch       "	$13\frac{1}{2}$ "
3 inch       "	$16\frac{1}{2}$ "
4 inch       "	24       "

Trap vent pipes may be standard iron, with steam fittings: sheet metal will not be allowed. All traps and fittings shall be equal in quality and thickness to the pipe to which they are attached.

#### WATER SUPPLY PLUMBING.

**14.** No person (except an officer or servant of the City in the discharge of his duties) shall attach, put in, lay, re-lay, introduce, extend, or alter any water pipe, tap, fitting, appar- Licensed  
plumbers only  
to lay water  
pipes.



atus, or appliance, by or through which city water may be supplied, drawn, distributed or used, unless such person or his employer holds a license from the City as a duly authorized plumber for that purpose, as hereinafter provided.

Application  
for service  
pipes

**15.** Application for the laying of a service pipe shall be made in writing at the engineer's office and upon the request forms.

Separate pipes  
required.

**16.** No two premises supplied with water from the water works shall be dependent upon one service pipe beyond the street line, but each separate and distinct tenement or premises shall be supplied through a separate pipe provided with proper stopcocks or other means of cutting off the water.

Depth of ser-  
vice pipes.

**17.** Every service pipe upon the premises of any water taker shall be laid at a depth of not less than five feet below the surrounding ground, and must not be turned up or laid at less depth where it passes through or under a cellar wall or into or through any private premises, and where it crosses or is near any other excavation it must be properly protected against settlement.

Requirements  
of law to be  
observed.

**18.** In every case the water taker must show that the pipe laid within his premises is laid in accordance with the requirements of the law relating to the City, and unless the same is shown to the satisfaction of the engineer, connection shall not be made with the street pipe.

Weights of  
lead water  
pipes.

**19.** No lead water pipes within any building shall weigh less than the following:

$\frac{3}{8}$ -inch internal diam.....	4 lbs. per lineal yard.
$\frac{1}{2}$ -inch " .....	6 " "
$\frac{5}{8}$ -inch " .....	8 " "
$\frac{3}{4}$ -inch " .....	10 " "
1-inch " .....	13 " "
1 $\frac{1}{4}$ -inch " .....	15 " "

Pipes to be  
laid so as not  
to freeze.

**20.** Every water supply pipe shall be laid with due regard to danger from freezing, and be properly laid and graded with a fall to a stop and wastecock placed in the cellar or other convenient point where the pipe can be entirely drained off.

Pipes to be  
accessible—  
joints.

**21.** Every pipe in any building must be so laid and placed as to be easily accessible, and shall have properly wiped joints.

Protection  
from frost.

**22.** No water pipe or fitting on any private premises shall be laid, carried along or put near any external wall, doorway

or window opening, or in any exposed position or other position where it would be liable to freeze, without being thoroughly boxed in, encased or protected to the satisfaction of the inspector of plumbing, or his authorized officer, so as to prevent the action of frost.

**23.** If necessary to prevent freezing, the pipe must be The same. carried at a sufficient depth underground below the cellar to some convenient point in the interior of the building, from thence the pipe must be properly encased in suitable boxing of ample size, stuffed with some suitable approved non-conducting material, the pipe being carefully placed and secured in the centre of the box.

**24.** In case of a leaky or improper pipe or fixture on any premises the engineer may cut off the supply of water by Leaky or improper fixtures. shutting off the stopcock or by detaching the service pipe from the main, and before the water is again turned on the pipe or fixture shall be repaired or altered as required, and the cost of detaching and re-attaching or of turning off and on the water shall be paid by the person owning or occupying the premises, and no person supplied from such service shall have any claim against the City by reason of such cutting off of the water.

**25.** Whenever any water taker has reason to fear that Shutting off water if danger of frost. the water may freeze in any of the pipes or fittings on his premises, in spite of all precautions taken to prevent the same, he must be careful to see that the water is shut off from the premises at the stop and waste cock, and the pipes emptied of water, except when actually needed for use.

**26.** The fact of water being found running to waste from any pipe, tap or other water fitting, will be held to be sufficient notice from the engineer that the water is to be at once cut off from the premises as required by law. Water takers are cautioned that as a rule any noise heard in a pipe, even though no defects are visible, is an indication of leakage and waste of water somewhere on the premises, and calls for immediate investigation and stoppage. Waste of water.

**27.** Every person shall keep his service pipes, stop-cocks and other fixtures on his own premises and from the line of the street in good order and repair, and protected from frost, at his own risk and expense. Pipes, &c., to be kept in good repair

**28.** Stop and waste cocks must on no account be covered over with coals, vegetables, or anything which will prevent the inmates of the house, or the water inspector, from getting Stopcocks, &c., not to be covered.

access to them at once; and whenever any licensed plumber is called into any premises, his first care shall be to see that this rule is attended to, and also to see that the stop and waste cock is in good order and easily turned.

Outdoor taps  
&c., prohib-  
ited.

**29.** Taps, faucets, cocks or fittings in porches or sheds, or outside of buildings, are strictly prohibited. Any such supply required must either be by means of a suitable approved hydrant or by special written sanction of the engineer.

Water supply  
at stables, &c.

**30.** The water supply to stables, barns, outbuildings or any other description of building or property, must conform in all respects with the requirements of this by-law. If after every practicable precaution has been taken, the pipes or fittings cannot be wholly and effectually protected against the action of frost in the severest weather, they must be cut off and removed, or an approved hydrant with valve well below the reach of frost may be substituted in order to procure the required supply.

Urinals.

**31.** Every urinal, except one which is especially sanctioned by the engineer and rated by the works department, shall either be supplied through a meter, or shall have some approved valve or apparatus attached thereto, or in connection therewith, by which the same can be flushed, with not more than two gallons of water, at intervals not exceeding thirty minutes, or with not more than one gallon at each time of use.

W. C. pipes  
not to connect  
with drinking  
water pipes.

**32.** No pipe supplying water directly to a water closet or urinal shall be connected with any pipe supplying water for drinking purposes.

Water closets,  
valves and  
cisterns for.

**33.** No person shall have upon his premises, and connected with the city water supply pipes, any water closet which is not provided with a suitable and effective valve and cistern, or other substantial arrangement, approved by the inspector of plumbing, by which the water supply may be cut off automatically after flushing the closet with a quantity of water not exceeding three gallons each time it is used.

#### PERMITS.

Permits for  
plumbing  
work.

**34.** Before proceeding to construct, reconstruct, or alter, any portion of the drainage, ventilation or water system of a tenement, warehouse, dwelling house, hotel or other building, the owner or his agent constructing the same shall file in the office of the engineer an application for a permit therefor, and such application shall be accompanied with a specification or abstract thereof on a blank form prescribed and supplied for

this purpose, stating the nature of the work to be done, and giving the size, kind and weight of all pipes, traps and fittings, together with a description of all closets and other fixtures, and a plan with the street and street numbers marked thereon, and showing the drainage system underground.

**35.** Any such plan must be legibly drawn in ink on heavy Plans. white paper, or on tracing linen.

**36.** If the engineer finds that such plan and specification does not conform with the requirements laid down in respect to plumbing and drainage in this by-law, he shall not issue any permit for such plumbing and drainage, and it shall be unlawful to proceed therewith. Requirements to be completed with.

**37.** A permit shall be granted or refused within two days of the filing of application, and the permit of the engineer (if granted) shall be valid for six months from date of issue, for reconstruction, addition to, or renewal of old work, and for one year from date of issue for work in new buildings. Time of permit

**38.** After a plan or specification has once been approved, no alteration or deviation from the same shall be allowed, except on a written application of the owner or of the agent of the owner to the engineer. Alteration in plan.

**39.** No person or member of any company, or employee or apprentice of any such person or company, shall do or perform any work authorized by this by-law, nor shall any such person or member of any corporation direct or instruct any employee or apprentice to do or perform any such work until the owner or his agent has first obtained a permit, and filed a plan and specification as hereinbefore provided. Work without permit prohibited.

#### INSPECTION.

**40.** (1.) The inspector of plumbing shall be notified when any work is ready for inspection, and all work must be left uncovered and convenient for examination until inspected and approved of. The inspection shall be made within two working days after receipt of notice. Notices filed after 12 o'clock, noon, shall take date from day following, except when the soil is of such a nature that it cannot be left open for two days, when the inspection shall be made forthwith after notification has been given to the inspector of plumbing. Inspection—time and mode of.

(2.) The inspector of plumbing, or any inspector appointed by the board for the purpose of the test, shall call for either water or smoke test, which test shall be made



by the person whose work is being inspected, under the direction of the said inspector, except in the case of the smoke test, when the inspector is to supply the machine or instrument to make such test, and the result of such inspection shall be recorded in the engineer's office. At such a season of the year that a water test would not be safe by reason of frost the water test is not to be used.

(3.) If the work is not found satisfactory after being tested, two days' notice shall be given, and if the work is not made satisfactory within that time, the penalty clause shall be enforced forthwith.

(4.) The smoke test shall in all cases be applied to finished plumbing work, and after the expiration of thirty days, if the work is found satisfactory, it shall be compulsory for the plumber to take out a certificate of the same, if it has not been issued previously.

(5.) No owner or occupier of any building shall use any plumbing work or fixture until such work or fixture has been finally certified as correct by the engineer, and such final certificate shall be issued on an application without any unnecessary delay after the satisfactory completion of the work.

Right of  
access.

**41.** The engineer, the foreman of water works, or any inspector appointed for the purpose, may, at proper hours of the day, and upon reasonable notice given and request made upon the owners, enter upon and have free access to all parts of any building in the City in which water from the city water works is delivered or consumed.

Appointment  
of inspectors.

**42.** The board shall from time to time, as occasion requires, on the nomination of the engineer, appoint such inspectors of plumbing as are found necessary, but no person shall be eligible for such appointment who has not passed a satisfactory examination for proficiency in both practice and theory of plumbing and drainage before the board of plumbing examiners as hereinafter provided.

To be under  
city engineer.

**43.** Such inspector or inspectors shall be under the supervision of the engineer, and shall be attached to the office of the engineer, and shall be paid such salary as the Council determines.

#### LICENSING OF PLUMBERS.

Board of  
plumbing ex-  
aminers.

**44.** There shall be a board of plumbing examiners, to consist of the engineer and the city inspector of plumbing. The board shall be called together by the engineer (who shall be chairman of the board) at such times as the City health board directs.

**45.** No person shall carry on the business of plumbing in the City unless he is duly licensed to carry on the same, and is registered as such in the office of the clerk of works, and the person obtaining such license shall pay for such license to the clerk of works the sum of ten dollars. License required

**46.** The city health board shall have the power at any time to cancel any plumber's license, or any journeyman plumber's certificate, for cause, and thereupon all rights of such licensed plumber or journeyman plumber to do any plumbing work under this by-law shall cease and determine. Cancellation of license.

**47.** The licenses to licensed plumbers shall expire on the 30th of April in each and every year, but they may be renewed by the City health board on the recommendation of the board of plumbing examiners, and the licensed plumber shall pay one dollar for each renewal. Term of license.

**48.** To entitle any person to a license as a licensed plumber, he shall be of the full age of twenty-one years and have a place of business as a plumber in the City, and shall agree as a condition of obtaining such license to carry on his business in compliance with the by-laws and regulations now made or which are hereafter made by the City health board, and his license, when issued, shall be kept in a conspicuous place in his place of business. Qualifications.

**49.** Every person, before doing any plumbing work in the City for or on account of himself or any licensed plumber, shall be a practical and experienced plumber and furnish the board of plumbing examiners sufficient evidence that he is capable of properly doing and performing plumbing work in the City, and if the board is satisfied of his competency to perform such work, they shall cause his name to be registered in the office of the engineer, and give him a certificate of competency as a journeyman plumber, after which he shall be at liberty to do such plumbing work, but not before. Journeyman plumbers.

**50.** Every person desiring a license as a licensed plumber, or a certificate as a journeyman plumber, shall file a petition in writing with the clerk of works, giving the name of the applicant, and if the applicant is applying for a licensed plumber's license, he shall state in his petition his age and place of business in the City, and the said petition shall be accompanied with the bond hereinafter referred to. Application for license.

**51.** Any change in the location of the business of a licensed plumber shall be promptly reported to the clerk of works. Change of location of business

Journeyman  
becoming lic-  
ensed plumber

**52.** Any journeyman plumber desiring to become a licensed plumber, shall first comply with this by-law as to licensed plumbers, and no journeyman plumber shall do business as a licensed plumber until he has obtained a license, notwithstanding anything in this by-law.

Licenses re-  
sponsible.

**53.** Every licensed plumber shall be held responsible for the acts of his employee for work done in connection with any plumbing business.

Reports  
required.

**54.** Every licensed plumber shall, on the first day of every month, report to the engineer, upon printed forms to be supplied at the engineer's office, the number, nature and extent of all repair work done to sanitary plumbing in any public building in the City.

Certificated  
journeymen  
only to be  
employed.

**55.** Every licensed plumber shall only employ certificated journeymen plumbers to do any plumbing work, but such work may be done and performed by any practical plumber under the guidance and direction of a certificated journeyman plumber then present directing the work.

Bond.

**56.** Every plumber, before obtaining a license, shall file a bond with the clerk of works in the penal sum of two hundred dollars conditioned for the faithful performance of his duty as a licensed plumber, and for his not permitting or allowing any plumbing work that he is called upon to do to be performed by any person in his employ, except by a person authorized to do plumbing work under this by-law, and for his not violating any of the terms and conditions of this by-law, or any other by-law or ordinance, or regulation, in force in the City respecting plumbing, drainage, sanitary matters and the City water works.

Business with-  
out license or  
certificate  
prohibited.

**57.** No person shall carry on business in the City as a licensed plumber unless he is the holder of a license as hereinbefore provided, nor shall any journeyman plumber do or perform any plumbing work until he has obtained his certificate under this by-law.

Faulty work  
to be made  
good.

**58.** All work contemplated by this by-law shall be done by a certificated journeyman plumber in the employ of such licensed plumber, or by a practical plumber under the guidance and direction of a certificated journeyman as hereinbefore provided, and shall be subject to the inspection, supervision and approval of the engineer or an inspector appointed by the City health board for that purpose, and all faulty or defective work which is at any time discovered shall be made satisfactory to the engineer or inspector, as the case may be, and when found satisfactory, the certificate shall issue to the plumber.

MISCELLANEOUS

**59.** No person shall be allowed, without having first obtained a permit from the engineer, to open or shut off the street stopcock connected with the service pipe supplying any premises or building, unless in case of urgent necessity to prevent loss or damage from flooding, and shall in every such case leave the stopcock as he found the same, and any person who commits any damage or injury to any stopcock in the service pipes of the department shall be liable for the amount of any such damage, in addition to any penalty imposed for the violation of this by-law.

Opening of  
street stop-  
cocks,  
without  
permit prohib-  
ited.

**60.** When any old fixture or plumbing requires renewal, the work shall be done in accordance with this by-law, as far as the same applies, but it shall not be necessary to take out any old work which, in the opinion of the plumbing inspector, is in good sanitary condition. In every case where, in the opinion of the engineer and plumbing inspector, the enforcement of any rule or rules respecting plumbing is impracticable or inadvisable, they shall have power to modify or suspend any such rule or rules to meet the exigencies of the particular case.

Old fixtures.

PENALTY.

**61.** Every person who contravenes or fails to comply with any of the provisions of this by-law shall, for every such offence, be liable to a penalty not exceeding one hundred dollars, and in default of payment, to imprisonment for a period not exceeding three months.

Penalty.

No. 3.

PRIVIES, VAULTS AND CESSPOOLS AND THE  
REMOVAL OF NIGHT SOIL.

**1.** No building fronting on any street along which a public sewer has been constructed or any part of which is situated within ten yards of such sewer, shall have connected therewith or appurtenant thereto any cesspool or privy, and the owner of any such building who permits any cesspool or privy to remain for ten days after notice from the board to remove the same shall be deemed to have committed a contravention of this by-law.

Privies pro-  
hibited where  
sewers laid.

**2.** (1.) Every building any part of which is used as a shop for the sale of goods shall have a water closet, for the use of the persons employed in or about such shop, to which they shall have free access at all times when so employed.

Water closets  
in shops.



(2) If such building does not front on a street in which a public sewer is built, a privy or other sanitary convenience, in the building or on the premises connected therewith, approved by the board, may be substituted for such water closet, but any such privy or other convenience shall be removed and a water closet substituted when a sewer is built in the street on which such building fronts.

Privies not to communicate with sewers.

**3.** No privy or cesspool shall communicate with any public sewer.

Requirements for privies

**4.** Every privy or vault shall be built so that the inside shall be at least two feet from the line of the adjoining lot, and shall be at least two feet distant from any street or public or private passage way. Every privy or vault shall be tight, and the contents shall not be permitted to come within two feet of the surface of the ground.

Filters for.

**5.** Every cesspool shall be so constructed that the discharge into the same shall flow into a two-story filter, having an upper bed of four inches of sand through which the sewage shall drop on to a lower bed of gravel three feet deep, from which the discharge shall find its way through the soil.

Inspection.

**6.** No cesspool shall be constructed or operated until the same has been inspected and approved by the engineer, and every cesspool shall be subject at all times to the inspection of the plumbing inspector.

Penalties.

**7.** Every person who

- (a) constructs or operates a cesspool without having the same first inspected and approved by the engineer; or
- (b) constructs or operates a cesspool not constructed in accordance with this by-law; or
- (c) fails to permit the inspection of any cesspool in connection with any premises owned or occupied by him, by the plumbing inspector,

shall be deemed to have committed a contravention of this by-law.

Cleaning of privies and vaults.

**8.** Every privy or vault shall be emptied and cleaned at least twice in every year, but not between the first day of May and the first day of November, unless by special order of a sanitary inspector.

Not to be done in summer.

**9.** No vault shall be opened between the first day of May and the first day of November, unless on inspection by an inspector he is satisfied that it is necessary for the health or comfort of the inhabitants so to do, and in such case, no more

of the contents shall be taken away than the inspector deems necessary for the present safety and relief; and such precautions shall be used relative to the prevention of any offensive effluvia as he directs, and at the expense of the owner or occupant, or other person having charge of the premises.

**10.** The contents of any privy, vault or cesspool shall not in any case be removed until the same have been disinfected in the manner in the next succeeding section provided. Disinfection before cleaning.

**11.** Between the first day of May and the first day of November, every privy, vault or cesspool shall once in each month be disinfected by adding to the contents thereof not less than two pounds of sulphate of iron dissolved in two pailfuls of water, or such other suitable disinfectant as the sanitary inspector directs. And in summer time.

**12.** No person shall engage in the business of privy cleaning and the removal of night soil without first obtaining a permit therefor from the board. Permit for privy cleaning.

**13.** No person shall engage in the business of privy cleaning, or be permitted to remove night soil within the limits of the City, unless he has first submitted his appliances for carrying on his business for the inspection and approval of an inspector, and has obtained a certificate of compliance with the regulations contained in this by-law, and of any other regulations prescribed by the board with respect to the removal of night soil and the cleaning of privies, which certificate may be given by any sanitary inspector. Appliances to be inspected.

**14.** Every person authorized to carry on the business of privy cleaning under the provisions of this by-law, shall, within forty-eight hours after notice given him by any sanitary inspector, remove or cause to be removed from the premises of any of the inhabitants within the City the night soil accumulated therein, and deposit the same in some prescribed place, under the restrictions and subject to the directions of the board, and it shall be the duty of any inspector to furnish any person, from whose premises night soil has been removed, with a certificate of the quantity removed and the charge according to the rate fixed in this by-law. Privy cleaners to remove any night soil when required.

**15.** Books shall be kept at the sanitary inspector's office, and under his charge, in which shall be entered complaints relating to nuisances and applications for opening and cleansing privy vaults, which last entries shall specify the number of loads, if less than the whole contents of any privy, vault or cesspool was required to be removed, and all applications shall Books.

receive attention in the order in which they are made as far as is practicable.

Charge for removal.

**16.** The charge for the removal of night soil shall not exceed two dollars and fifty cents per load of five barrels.

Compulsory cleaning of privies.

**17.** Whenever, in the opinion of any sanitary inspector, any privy, vault or cesspool is in such unsanitary condition as to be offensive and dangerous to health, the board may at once notify the owner, agent or occupier of the premises, to cleanse and disinfect the same, and if the person so notified fails to comply within forty-eight hours from the delivery of the notice, such inspector may himself cause such privy, vault or cesspool to be cleansed and disinfected, and the cost of doing the work may be recovered from the owner, agent or occupier, by an action in the name of the board, and the person so notified, and failing to comply therewith, shall be liable to a penalty, as hereinafter provided.

Penalty.

**18.** Every person who contravenes or fails to comply with any of the foregoing provisions of this by-law respecting privies, vaults, cesspools, or the removal of night soil, shall for every such offence be liable to a penalty not exceeding twenty dollars, or in default of payment to imprisonment for a period not exceeding twenty days.

#### No. 4.

### REFUSE AND ITS REMOVAL.

Deposit in public places prohibited.

**1.** No person shall deposit upon, on, or into any street, wharf, dock, slip, pond, harbor, stream, or bank thereof, any sewage or impure water, or any manure or other refuse, or vegetable or animal matter, or any filth.

House to be kept free from.

**2.** No owner or occupier of any house or premises shall place, permit, or continue any nuisance, filth or any offensive matter in or upon such premises or put, or place, or permit, or contain any impure or stagnant water in or upon the same.

House offal—disposal of.

**3.** All house offal, whether consisting of animal or vegetable substances, shall be placed in suitable vessels, and no ashes or other refuse matter shall be mingled therewith, and the same shall be kept in some convenient place, to be taken away by the city scavengers, which shall be done as often as the board of health directs.

4. The keeper of every stable shall keep in such stable <sup>a</sup>Stable manure properly covered bin or box, and shall deposit therein all manure and sweepings from the stable.

5. No person shall remove or carry in or through the streets, any swill, house dirt, or house offal (animal or vegetable), or any offensive matter or refuse substances from any dwelling-house or other place, unless such person so removing or carrying the same, and the mode in which the same is removed and carried, have been authorized by the board, and upon such terms and conditions as the board deems best; and the same shall only be removed between the hour of ten o'clock at night, and two hours after sunrise, during the months of May, June, July, August and September, (horse stable manure excepted); ashes, and cinders made from any steam engine or steam boiler, forge or furnace, used for mechanical purpose, or from any dwelling, may be removed at the expense of the persons occupying such building, or the owner thereof, at any time, but in such manner as the board directs.

6. All fetid and decaying animal or vegetable matter must be removed from any cellar, building, outbuilding or yard, on or before the first day of May in each year. Every householder and every hotel or restaurant-keeper, or other person, shall dispose of all garbage, for the disposal of which he is responsible, either by burning the same or by placing it in a proper covered receptacle for swill and house offal, the contents of which shall, between the first day of May and the first day of November, be regularly removed as the board directs.

7. Ashes shall not be mixed with other substances, but shall be kept in easily accessible places, and in such a manner as not to communicate fire to any building or combustible material.

8. No person shall, without permission from the board, throw into or leave in or upon a street, wharf, public enclosure, vacant lot, dock, pond or other body of water, any dead animal, earth, dirt, gravel, sand, sweepings, sawdust, soot, ashes, cinders, havings, hair, shreds, manure, oyster clam or lobster shells, waste water, rubbish or filth of any kind, or any refuse, animal or vegetable matter whatever.

9. If any of the substances mentioned in the next preceding section are thrown or carried from any building or premises and left in any of the places specified in such section, the



owner or occupant of such building or premises, and the person who actually threw, carried or left such substance, or who caused the same to be thrown, carried or left, shall severally be held liable for a violation of the said section; and all substances so thrown or carried and left shall, within two hours after personal notice in writing to that effect, given by the board or any inspector, be removed by such owner, occupant or other person, from the place where they have been so thrown or left, or such removal shall be made under the direction of the board, or an inspector, and the expense thereof shall be borne by the owner or occupant.

Removal of  
dirt from  
premises.

**10.** All dirt, sawdust, soot, ashes, cinders, shavings, hair, shreds, manure, oyster, clam or lobster shells, waste water, and all animal or vegetable substances, rubbish or filth of any kind, in a house, warehouse, or other building, premises, or other place, which the board deems injurious to the health of the City, shall be removed by the owner or occupant of such building, premises or other place where the same is found, within twenty-four hours, or such other time as the board deems reasonable, after notice in writing to that effect, served personally upon the owner or occupant, or left at the owner's or occupant's last place of abode, if the same is known, or such removal may be made under the direction of the board and the expense thereof borne by the owner or occupant. No person removing any of the substances named in this section shall suffer the same to leak, escape or drop from any vehicle by him owned or driven, into or upon any street, wharf, or vacant lot.

Board may  
permit or  
restrain.

**11.** The board may grant permits for, or restrain the removal of nuisances or affected articles within the City, when it considers it proper for the public safety to do so.

Penalty.

**12.** Every person who contravenes or fails to comply with any of the foregoing provisions of this by-law in respect to refuse and its removal, shall, for every such offence, be liable to a penalty not exceeding one hundred dollars, and in default of payment to imprisonment for a period not exceeding three months.

## No. 5.

## SLAUGHTER HOUSES.

1. Every slaughter house shall be subject to regular inspection. inspection under the direction of the board.

2. No person shall keep any slaughter house unless per-Permission by  
mission in writing of the board for the keeping of such board.  
slaughter house has first been granted. Such permission shall  
only be granted if the board deems the locality suitable, and  
after inspection by the medical officer, or such other person as  
the board appoints, and on his reporting that the premises are  
suitable for the purpose, and that the provisions of this by-law  
have been complied with; and every such permission shall be  
subject to the condition that the said premises shall be kept so  
as not to be a nuisance to the neighborhood, nor dangerous or  
injurious to the public health, and upon such condition being  
broken, the said permission may be revoked by the board.

3. Permission granted to any person to keep a slaughter Revocation of  
house may be revoked at any time by the board, upon the permission.  
report of the medical officer, or such other person as the board  
appoints, showing that such person has been guilty of a viola-  
tion of this by-law, or that such slaughter house fails to comply  
with the provision of this by-law.

4. The medical officer or any inspector shall be at liberty Right of  
at all reasonable times to enter into any building used as a access.  
slaughter house, and upon the premises connected therewith,  
for the purpose of inspecting such slaughter house and prem-  
ises, and any animals or fresh meat therein or thereon.

5. Every building, at any time used as a slaughter house, Floors.  
shall be provided with a tight, non-absorbent flooring, and with  
water laid on in such a manner as to insure a thorough flush-  
ing of the floor every time the same is used.

6. No blood or any other refuse of any nature or kind shall Blood, &c.,  
be permitted to pass or escape into the public sewers, or into not to escape  
any stream or water course. into sewer.

7. Every slaughter house shall be provided with and shall Removal of  
use water tight covered vessels for the removal of all blood, and blood and  
all such blood, offal and other refuse shall be removed daily offal.  
from off the premises connected with the slaughter house to  
such place or places as are approved by the medical officer or  
board and disposed of in such manner as he or they approve.

Penalty.

8. Every person who contravenes or fails to comply with any of the provisions of this by-law respecting slaughter houses shall, for every such offence, be liable to a penalty not exceeding one hundred dollars, and in default of payment to imprisonment for a period not exceeding three months.

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No. 6.

## STABLES, BYRES, ETC.

Construction  
and inspection.

1. All sheds, stables, pens, byres, yards and other enclosures where cows and other cattle are kept, shall be properly constructed, drained and kept clean to the satisfaction of any inspector, and such sheds, stables, pens, byres, yards and other enclosures, shall be open and subject to inspection by any inspector or any other sanitary officer at any and all reasonable times.

Cleanliness.

2. The keeper of any livery, or other stable, shall keep his stable and stable yard clean, and shall not permit, between the first day of May and the last day of November, in each year, more than two cart loads of manure to accumulate in or near the same at any one time, except by the permission of the board, and shall every day sprinkle with lime the floors of his stable.

Drains.

3. There shall be such proper drains connected with every shed, stable, pen, byre, or other enclosure for horses or cattle, as will carry off all liquid filth issuing therefrom, so that it shall not in any way constitute a nuisance or be dangerous or injurious to the public health; but if no drains are constructed on the streets opposite the premises on which such stable, shed, pen, byre, yard, or other enclosure, is situated, the owner or occupant thereof shall provide a cistern or reservoir so constructed as to receive all liquid filth issuing therefrom, and such filth shall be removed and disposed of in accordance with these by-laws, and the owner or occupant of every such shed, stable, pen, byre, yard, or other enclosure, shall be required to disinfect the said premises if deemed necessary by any sanitary inspector.

Penalty.

4. Every person who contravenes or fails to comply with any of the provisions of this by-law respecting stables, byres and other enclosures shall, for every offence, be liable to a penalty not exceeding twenty dollars, and in default of payment to imprisonment for a period not exceeding one month.

## No. 7.

## THE SALE OF MILK.

1. In this by-law the expression "sell" shall be deemed to include and comprise the expressions "sell or exchange" or "offer and expose for sale" or "have in possession for the purpose of sale;" and the expression "selling" shall be deemed to include and comprise "selling or exchanging" or "offering and exposing for sale" or "having in possession for the purpose of sale;" and in any prosecution for a violation of any provision of this by-law the having by any person in possession of a greater quantity of milk than two gallons shall be presumptive evidence that the same was so had and kept for the purpose of sale.

Interpretation of terms.

2. No person shall carry on the business of a dealer in milk without having first registered his name and address with the secretary of the board, and such registration shall be renewed on the first day of May in each year, and may at any time be cancelled by the board for any violation of this by-law. Every person on registering shall be supplied by the secretary with a registration number.

Registration.

3. No person shall sell any unclean, impure, unhealthy or adulterated milk. For the purpose of this by-law the phrase "adulterated milk" means any milk—

Unclean or impure milk—Sale of prohibited. "Adulterated milk" defined

(a) containing more than eighty-eight per centum of water or other fluid, or less than twelve per centum of milk solid, or less than three per centum of fats; or

(b) containing more than one hundred thousand bacteria per cubic centimetre; or

(c) drawn from a cow within fifteen days before or five days after calving, or from a cow kept in an unhealthy or crowded stable; or

(d) into which there has been added or introduced any foreign substance whatever.

4. No person shall sell any milk from which the cream or any part of the cream has been removed unless the words "*Skimmed Milk*" are distinctly marked in a conspicuous place on the outside of the vessel in which such milk is sold or kept for sale.

Skimmed milk.

5. No person shall sell any milk or cream in any glass vessel unless such vessel has been thoroughly washed clean and sterilized before being filled.

Vessels to be kept clean.



Registration  
numbers to be  
displayed.

**6.** No person shall sell milk or cream from any vehicle unless such vehicle has upon it in a conspicuous place and in distinct figures the registration number of the owner thereof. If the milk or cream is sold in any shop or other building, such number shall be distinctly displayed in a conspicuous place in every part of the building where milk is sold, and if the milk or cream is sold either from a vehicle or in any building, such number shall be distinctly displayed in a conspicuous position on each can or other vessel from which it is sold.

Rooms—iron  
vessels.

**7.** No person shall keep milk for sale in any sleeping room, or in any room which is not thoroughly clean, or in which the plumbing is not in conformity with the by-laws of the board, or in any iron vessel, unless the iron thereof is well tinned and the inner surface smooth and free from rust.

Inspection.

**8.** Any milk kept for sale may at any time be inspected by any inspector appointed by the board, and any person selling milk, either for himself or on behalf of any other person, shall whenever required furnish to such inspector samples of any milk sold by him.

Names of  
wholesale  
dealers to be  
given.

**9.** Every person selling milk shall from time to time furnish the secretary of the board with the name and address of every person from whom he obtains milk by wholesale, and the failure so to do within forty-eight hours after beginning to obtain milk from a person other than the one previously so registered shall be deemed a contravention of this by-law.

Penalty.

**10.** Every person who contravenes or fails to comply with any provision of this by-law shall for each such offence be liable to a penalty not exceeding twenty dollars, and in default of payment to imprisonment for a period not exceeding one month, and in addition, and whether any such penalty has been imposed or not, the board may cancel his registration.

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## No. 8.

## BURIALS.

Permit for  
burial  
required.

**1.** No interment of the dead body of any human being, or other disposition thereof, shall be made within the limits of the City, without a permit therefor, to be obtained at the office of the city clerk, nor otherwise than in accordance with such permit; and no undertaker, sexton, or other person, shall assist in, or assent to, or allow any such interment or

disposition, or aid or assist about preparing any grave or place of deposit for such body, for which such permit has not been given authorizing the same. No dead body shall be removed beyond the City's limits for burial or other disposal, without such permit having been first obtained, and which shall accompany the body to its destination.

**2.** No person shall bury a dead body, or cause one to be buried, in a grave which is less than three feet from the surface of the ground surrounding the grave to the top of the coffin, and if at any time there is brought to the notice of the board any violation of this section, the board shall investigate such violation, and if any body is found at a less depth than the one prescribed, the board shall order the removal and interment of such body, at a time when it is safe to the public health to do so. Bodies to be buried three feet.

**3.** Every person who contravenes or fails to comply with any of the provisions of this by-law respecting burials shall, for every such offence, be liable to a penalty not exceeding twenty dollars, and in default of payment to imprisonment for a period not exceeding one month. Penalty.

## No. 9.

### INSPECTION AND SALE OF FOOD.

**1.** No person shall sell, or offer for sale, or have in his possession for the purpose of sale, any article of food that is diseased, unsound, unwholesome, or unfit for food. Unsound food not to be sold.

**2.** The medical officer, or any inspector, may at all reasonable times, inspect or examine any animal, carcass, meat, poultry, game, fresh fish, fruit, vegetables, grain, bread, flour or milk, exposed for sale, or deposited in any place for the purpose of sale, or for preparation for a sale, and intended for food for man. And if any such animal, carcass, meat, poultry, game, fresh fish, fruit, vegetables, grain, bread, flour or milk, appears to such officer or inspector to be diseased or unsound, or unwholesome, or unfit for food for man, he may seize and carry away the same, or cause it to be destroyed or so disposed of as to prevent it from being exposed for sale, or used for food for man. Inspection.

**3.** The person to whom the same belongs, or did belong, at the time of exposure for sale, or in whose possession, or on Penalty for exposing for sale.

whose premises the same was found, shall be liable to a penalty as hereinafter provided. . .

Meat, &c.,  
to be kept  
covered.

4. Every person who brings into the City the carcass of any animal or poultry, or any other meat, or any fish, intended to be sold for food, shall, while the same is so kept by him for purpose of sale, or while the same is left in any stable, barn or other place, keep the same closely covered so as to prevent the same from being contaminated or affected by dirt, dust or other impurity.

Carting meat  
through  
streets.

5. The body of any animal, or part thereof, which is to be used as human food, shall not be carted or carried through the streets of the City, unless it be so closely covered, with clean canvas, as to effectually exclude it from dust and dirt; and no meat, poultry, game or fish shall be hung or exposed for sale in any street, or outside of any shop or store, or in the open windows or doorways thereof, in the City.

Penalty for  
obstructing  
Inspector.

6. Any person who in any manner prevents any health officer or sanitary inspector from entering any premises and inspecting any animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour or milk, exposed, or deposited for the purpose of sale, and intended for food for man, or who obstructs or impedes any such health officer or inspector, or his assistant, when carrying into execution the provisions of this by-law in respect to the same, shall be deemed to have committed a contravention of this by-law.

Fresh fish,  
permit for  
sale of.

7. No person shall sell or keep for sale any fresh fish without first having procured a permit from the board for that purpose, and upon the terms and conditions hereinafter mentioned.

How to be  
kept.

8. Every person who sells or keeps for sale any fresh fish shall keep the same on stone slabs when exposed in windows and well protected from the rays of the sun, and when not so exposed, the same shall be kept either on zinc-covered tables, properly drained, or covered fish boxes, or in covered carts when taken through the streets for sale, and such carts shall be kept constantly clean and well secured from the rays of the sun.

Entrails, &c.,  
disposal of.

9. No person shall throw into the harbor of Halifax or any of the water surrounding the City, or upon any street or sidewalk in the City, any fish entrails or refuse parts of fish or any decayed fish.

**10.** No person shall sell, keep or expose for sale for human food any tainted, unsound or decayed fish, and any sanitary inspector is hereby empowered to seize and effectually destroy the same. Unsound fish not to be sold.

**11.** No fresh fish exposed for sale in any window for one day between the first day of June and the first day of October shall again be exposed for sale for human food. Fish exposed for one day not to be sold.

**12.** No fresh fish shall be delivered to the consumer until such fish has been first cleaned of its entrails and other refuse parts. This regulation shall not apply to smelts, trout or frost fish, but shall apply to all other fish. Fish to be cleaned before sale.

**13.** All floors under cleaning tables where any fresh fish is exposed, offered or kept for sale shall be covered with zinc or concrete, which shall extend at least four feet out from each side of the table. The sides and back of the tables shall also be covered with zinc to at least two feet above the tables. Floors and tables.

**14.** Every owner, lessee, or occupier of any market, shop or building where fish is exposed, offered or kept for sale shall cause such market, shop, building or place to be thoroughly cleaned and purified, and all offal, blood, garbage and other refuse and unwholesome matter to be removed at least once in every twenty-four hours between the first day of May and the first day of October in each year, and at least three times a week during the remainder of the year. Cleanliness.

**15.** No fresh fish shall be exposed or offered for sale on the sidewalks or in front of any market, shop or building except trout, smelts or frost fish, which shall be kept in covered receptacles and well protected from dust while on sale. Fish not to be sold on sidewalks.

**16.** The sanitary inspector shall at all reasonable times visit all premises where fresh fish is exposed for sale and report to the board as to the condition of the same. Inspection.

**17.** The board shall have power at any time to cancel any permit granted under this by-law. Cancellation of permit.

**18.** Every person who contravenes or fails to comply with any of the provisions of this by-law respecting the inspection and sale of food shall, for every such offence be liable to a penalty not exceeding twenty dollars, and in default of payment to imprisonment for a period not exceeding one month. Penalty.



## No. 10.

## THE KEEPING OF HENS AND FOWLS.

Permit required for keeping fowls—district defined.

1. No hens or fowls of any kind shall be kept without a permit from the board, and only in such manner as the board directs within that portion of the City described as follows:—

Beginning at a point formed at the junction of the prolongation of the north side line of North Street with the western shore line of the harbor of Halifax; thence westerly by the said north line of North Street to Oxford Street; thence southerly by the western line of said street to Coburg road; thence easterly by the southern line of said street to Seymour Street; thence southerly by the western line of said street to Morris Street; thence easterly by the southern line of said street to Tower Road; thence southerly by the western line of said street to Inglis street; thence easterly by the southern line of said street to the shore of the harbor of Halifax; thence by the western shore of the harbor of Halifax to the place of beginning.

Application for permit.

2. Any permit for the keeping of hens or fowls within the said district shall be granted only after application in writing for the same, and such application shall state the street and number of the place at which it is proposed to keep such hens or fowls and the approximate number of birds proposed to be kept.

Information and inspection.

3. The Board may require the applicant to furnish any information thought requisite as to the nature of the building and yard in which the hens are proposed to be kept and may from time to time inspect the same and may give directions as to the said building and yard and the manner in which the same shall be kept, and any permit may at any time be cancelled for non-compliance with the requirements of the board.

Fowls not to be kept in cellars.

4. No hens or fowls shall be kept in any cellar or in any room of a dwelling house.

Straying prohibited.

5. No hens or fowls shall be permitted or suffered to go upon any street or public place and any hen or fowl found on any street or public place shall be deemed and taken to be there by the permission of its owner or person in charge.

Penalty.

6. Every person who contravenes or fails to comply with any provision of this by-law shall for each such offence be liable to a penalty not exceeding ten dollars and in default of payment to imprisonment for a period not exceeding one week.

## No. 11.

## HYGIENE IN BARBER SHOPS AND HAIRDRESSING PARLORS.

1. Customers, where possible, should have their own Individual razors, etc. razors, soap and brushes.
2. Razors and scissors in general use shall be sterilized Sterilization of implements by immersion in a solution of carbolic acid or lysol before and after using. Clippers must be sterilized in alcohol at least once a day.
3. Hair brushes in general use shall, at least once a day, Hairbrushes. be immersed in a fresh solution of corrosive sublimate contained in an earthenware jardiniere or enamelled dish, and afterwards rinsed in clean water and dried with a towel or heat.
4. Shaving brushes in common use shall be subjected to Shaving brushes. the same treatment of immersion and afterwards rinsed in very hot water.
5. Shaving soap, applied from a cup in general use, shall Shaving soap. be thoroughly cleansed with boiling water, or an antiseptic soap powder must be used to produce lather.
6. Powder shall only be applied by a blower, absorbent Powder. cotton or towel.
7. Combs in use shall be frequently immersed in boiling Combs. water and thoroughly cleaned.
8. The barber or hair-dresser shall wash his hands frequently, using soap, preferably carbolic, and a nail brush. Washing of hands.
9. The use of the alum stick, frequently used to stop the flow of blood, shall be discontinued and replaced by calcined alum, a powder which can be applied on cotton wool, which shall be thrown away immediately afterwards. Alum sticks prohibited.
10. Vaseline shall not be applied from a pot, but only Vaseline. from a squeeze tube.
11. Sponges shall not be used. Sponges.

- Strops. **12.** Razor strops shall only be used for razors which have been previously disinfected.
- Wrappers. **13.** The hair-cutting wrapper shall be placed around the shoulders of customers and fastened with a safety pin or other device at the back, and clean towels shall be used about the neck to prevent hair from falling down.
- Coats. **14.** Every barber or hair-dresser shall wear a coat or apron of a washable white material. The sleeves of the coat shall be comparatively short.
- Spitting on floor prohibited. **15.** Spitting on the floor shall not be allowed.
- Steaming towels. **16.** Where a steaming towel is used, a fresh one must be provided for each customer.
- Sterilization vessels. **17.** For sterilization purposes, separate vessels must be provided for brushes and towels.
- Floors to be sprinkled and swept. **18.** At frequent intervals the floor shall be sprinkled with a disinfectant material or wet sawdust, and swept. The sweepings shall be placed in a covered receptacle, and the contents shall be burned every evening.
- Bath tubs. **19.** Bath tubs, after use, shall be thoroughly rinsed or swished out with very hot water, and then thoroughly wiped with a fresh towel.
- Running water. **20.** Every barber shop shall be equipped with running hot and cold water.
- Copy of by-law to be exhibited. **21.** A printed copy of the foregoing shall be conspicuously displayed in every barber shop and hair-dressing establishment in the city.
- Penalty. **22.** Any person who contravenes or fails to comply with any provision of the foregoing by-law respecting barber shops or hair dressing parlors shall, for each such offence, be liable to a penalty not exceeding one hundred dollars, and in default of payment to imprisonment for a period not exceeding three months.

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# INDEXES

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# INDEX TO CHARTER

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